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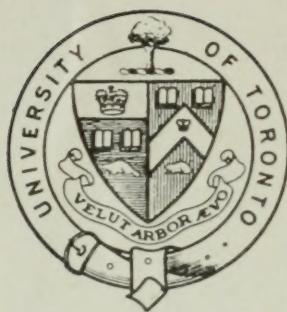
T 31 HANDBOOK TO THE
HOUSING AND TOWN
PLANNING ACT, 1909



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By W. THOMPSON



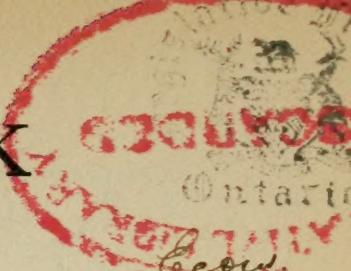
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HANDBOOK

TO THE

HOUSING AND TOWN PLANNING ACT, 1909.

BY

W. THOMPSON
(RICHMOND, SURREY),

*Author of "The Housing Handbook," "Housing Up-to-Date," and
"What County Councils can do for the People."*



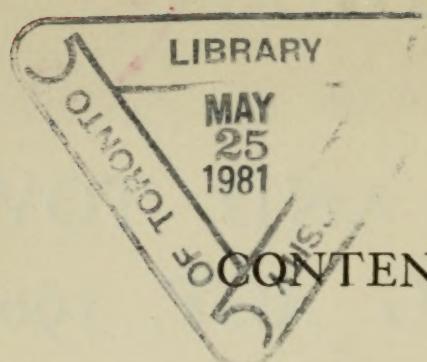
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INTRODUCTION.

The pages which follow are in continuation of two small volumes "The Housing Handbook" and "Housing Up-to-Date" by the same writer, and the three volumes together give the text of practically all British legislation on Housing, as well as a fairly full statement of both municipal and private housing work and experiments. It has not therefore been considered necessary to repeat the facts and figures given so fully in the two earlier volumes.

The issue of this volume has been delayed in the hope that the Town Planning Regulations and Provisions of the Local Government Board might be added, but up to the time of going to press they have not made their appearance; so they will form the subject of a small supplement uniform in style and size with the present pages.

The A B C of the Housing and Town Planning Act which precedes the text of the Act itself will be found convenient for purposes of reference, and the table of previous Acts of Parliament at the end of the book will be useful for bringing up-to-date the text of Acts contained in the two previous volumes.

As for the Act itself, it will be well for housing reformers not to expect too much from it in its present form. Many clauses, which on the face of things appear to give very valuable powers, were robbed of much of their effectiveness after passing the committee stage of the House of Commons. In practice they will be sadly lacking in effectiveness.

The National Housing Reform Council, backed by special representative Conferences of the Local Authorities, will strive in the future as in the past to give the fullest possible encouragement to the use of these powers. They will, however, also work strenuously for such amendments at an early date as will make it possible, first, to bring home to the public the real nature and extent of existing housing evils, and in the next place to secure for municipalities not only full powers for dealing with these evils, but also such facilities in respect of cheap land, cheap money, and reduced burdens on dwelling houses as will enable the very poor to be housed in a cheaper and more satisfactory manner.

W. THOMPSON.

RICHMOND, 1910.

BY THE SAME AUTHOR.

The Housing Handbook (published 1903).

Price 3s. net ; or on Art Paper, 6s. net.

Housing Up-to-Date (published 1907).

Price 3s. 6d. net ; or on Art Paper, 6s. net.

The Housing Handbook Up-to-Date (published 1907).

Containing the above two volumes bound in one cover,
7s. 6d. net.

These volumes contain over 700 pages of letterpress and 100 illustrations, plans, and diagrams of typical working-class estates and dwellings.

The Text of the Housing Acts, 1890 to 1903, is also given with Local Government Board Circulars and Forms, accompanied by notes, explanations, and summaries.

There are chapters giving full details of Municipal Housing Schemes carried out both in England and the Provinces, with details as to area and cost of sites, cost of building, cost of roads and sewers, rents, rates and taxes, repairs and financial results in each case. A summary of Housing Legislation and administration in foreign countries is also given.

Anyone possessing these volumes will find information on almost every conceivable branch of the Housing Question, sufficient for all ordinary needs.

HOUSING AND TOWN PLANNING ACT, 1909.

This Act is divided into four parts. It is applied to England and Wales and with modifications to Scotland.

Part I.—Confers powers to improve existing dwellings and to secure new dwellings for the working classes.

The provisions of this Part are to be deemed part of the appropriate Part of the principal Act (Act of 1909, Sec. 47).

Part II.—Deals with Town Planning.

Part III.—Requires County Councils to appoint Medical Officers and to establish County Public Health and Housing Committees, and empowers them to assist Building Societies.

Part IV.—Contains protective clauses for Commons, open spaces and land near Royal Palaces and Parks, and provides for the repeal of certain enactments consequential to this Act.

WHAT AUTHORITIES WILL ADMINISTER THE ACT.

In the Provinces the local authorities specially charged with its execution are—**Borough Councils, Urban District Councils, and Rural District Councils.**

In London the Metropolitan Borough Councils are the local authorities for the purpose of inspecting, improving, closing, demolishing, or regulating by Byelaws existing dwellings, and they are also local authorities with concurrent powers for Clearance Schemes under Part II of the principal Act, and for Building Schemes under Part III of the same Act of 1890.

The London County Council is to be the sole authority in London for Town Planning.

County Councils in the Provinces, although not technically "local authorities" under the Act, are given extensive default powers, and, as respects the building of new dwellings in Rural Districts, possible concurrent powers, while they are also required to appoint County Medical Officers of Health (Sec. 68); to establish a County Public Health and Housing Committee (Sec. 71); and are authorised to promote and assist Co-operative Building Societies (Sec. 72). They have no Town Planning Powers.

In Scotland the local authorities are the Town Councils or local authorities of a burgh and of a district not being a burgh under the Public Health Scotland Act, 1897.

The Act is applied to Scotland by Sections 52, 53, and 67.

The Act is not a measure standing by itself, but its provisions must be read with the Housing of the Working Classes Act, 1890, and the amending Acts of 1893, 1894, 1896, 1900, and 1903, which are given both summarised and in detail in the "Housing Handbook Up-to-date" by the same author.

In the following pages the abbreviations H.W.C.A., 1890, refer to the principal Act—the Housing of the Working Classes Act, 1890—and the same letters with different dates refer to the amending Acts passed in those years. Where this Act is referred to, no Act is specifically mentioned, but only the number of the Sections.

IMPORTANT DEFINITION.

It is important to note that the definitions "Housing Acts" and "Housing of the Working Classes Acts, 1890 to 1909," include all the Housing of the Working Classes Acts from 1890 to 1903, together with Part I of the Act of 1909, but **not including the town planning portion of the Act, nor Parts III and IV of the Act of 1909.**

SCHEDULES.

Schedule I, which deals with the acquisition of land for housing and town planning, will be subsequently described in connection with Section 2.

Schedule II effects some minor alterations in Sections 23, 34, 35, 38 (1) (a), 38 (7), 39 (8), 40, 85, 88, and 89 of the principal Act.

Schedule III amends the schedule to the Housing of the Working Classes Act, 1903, in its application to Scotland by substituting the appropriate expressions according to the Scottish law for the expressions describing the various authorities, areas, courts, and legal actions, as in the Act are applied to England.

The fourth Schedule contains the general provisions for town planning which may be prescribed by the Local Government Board.

The fifth Schedule lays down provisions as to the procedure before, during and after the making of town planning schemes.

The sixth Schedule repeals the following sections of previous Acts, because they are consequential upon new provisions or procedure dealing with the same subject contained in the new Act of 1909:—

The Local Government Act, 1888 (Sec. 17, part of).

The Housing of the Working Classes Act, 1890. The whole of Sections 9, 17, 18, 19, 27, 28, 32, 33, 54, 63, 77, 83, (with the third, fourth, and fifth Schedules), also part of Sections 6, 1 (a), 8 (6), 12 (5), 15 (2), 25, 29, 39 (4), (5), (6), (8), (9), 47 (3), 53 (2), 55 (as applied to Scotland), 65 (iii), 66, 85, 92, 94, (3), (4), 96 (1), (2), 97 (8), (14), 97 (3) (and the first Schedule as applied to Scotland).

The Housing of the Working Classes Act, 1890 Amendment (Scotland) Act, 1896 (Sec. 3).

The Housing of the Working Classes Act, 1900, the whole of Sections 2, 6, and 7, and the words "Scotland or" in Section 8.

The Housing of the Working Classes Act, 1903, the whole of Sections 6, 8, and 16, with part of Sections 5 (2), (a), (b), 10, 17.

For text and explanation of the above Acts see "The Housing Handbook Up-to-Date," by the same author.

PART I. HOW TO IMPROVE EXISTING DWELLINGS AND SECURE DWELLINGS FOR THE WORKING CLASSES.

Part I gives facilities for obtaining land and money for building new dwellings for the working classes (Sections 1 to 9 and Schedule 1), and makes provision for enforcing, where necessary, the repair and improvement, or closing and demolition of existing dwellings (Secs. 10 to 21). It also modifies in minor respects the Law with regard to clearing slum areas, in the direction of establishing greater uniformity of powers and procedure for Improvement Schemes under Parts I and II of the Housing Act of 1890 (Secs. 22 to 30, and Secs. 33, 40, 42, 48, and 49, with Second and Sixth Schedules) of Act of 1909,

HOW TO GET MORE WORKMEN'S DWELLINGS.

Section 1 enacts that Part III of the Housing Act of 1890 which enables local authorities to build or otherwise provide houses for the working classes, shall become operative in the district of every local authority, urban and rural, without any necessity for the passing of a resolution to adopt the Act, as was the case heretofore.

Should a local authority fail to provide new cottages or other dwellings where they are necessary, any four inhabitant householders of the district may complain to the Local Government Board, who may hold a public local inquiry, and in cases where they think the powers ought to have been exercised may declare the local authority to be in default, and may make an order, to be enforced by mandamus if necessary, directing the local authority within a limited time to provide the new houses required (Sec. 10 (1)).

In the case of County districts, the Board may direct the County Council to do the work (Sec. 10 (3 and 4)). Any such orders, however, must be laid before Parliament as soon as may be after they are made (Sec. 10 (5)).

Building Byelaws may be revoked by the Local Government Board where they reasonably hinder building of workmen's dwellings (Sec. 44).

HOW TO GET LAND FOR NEW DWELLINGS.

Section 2 gives improved powers for the acquisition of land by local authorities either inside or outside their district, and incorporates in the first Schedule to this Act, with some modifications, the Land Purchase clauses of the Small Holdings Act, 1907.

These powers apply both to land purchased under Part III of the H.W.C.A., 1890, and to the land purchased under Part II of this Act, in connection with Town Planning Schemes. Large areas of land as sites for building working class dwellings may be acquired by local authorities by agreement, in anticipation of future needs (Sec. 2 (2)), so as to promote schemes similar to the Hampstead Garden Suburb, Bournville, Earswick, and Port Sunlight. Any quantity of land required for immediate use for workmen's dwellings may be purchased compulsorily by the local authority submitting to the Local Government Board a draft order putting in force the provision of the Lands Clauses Acts, as modified by this Act (*Schedule I.*)

Every draft order for the acquisition of land is to be published by the council in the manner prescribed by regulations made by the Board, and notice of it is to be given to the owners and occupiers of the land proposed to be taken and in the locality.

If no objection is made by any person interested, within a period to be fixed by the regulations, the Board must confirm the order without further enquiry.

If any objection is made, a public enquiry is to be held, at which the Council and all persons interested in the land are entitled to be heard, after which the Board will decide whether the order is to be confirmed or not.

When an order has been so confirmed by the Board in a rural district it has the same effect as an Act of Parliament, and no question can be raised as to its having been duly made or not.

If, however, the land is in an urban area, an impartial person not in Government employment, must be appointed by the Local Government Board to hold the inquiry, and if he so reports, the order must either be modified to meet objections or must be further confirmed by Parliament as well as by the Board. The specific points on which the report in question should be based are :—

- (a) Whether the land proposed to be acquired is suitable for the purpose.
- (b) Whether having regard to the extent or situation of the land and the purposes for which it is to be used, it can be acquired without undue detriment to the persons interested therein or the owners of adjoining land.
- (c) What specified conditions should be attached to the acquisition by the local authority of such land.

Contents of order for compulsory acquisition of land.—The order is to be in a form prescribed by the Board's regulations which incorporate the Lands Clauses Acts (except Sec. 127 of the Lands Clauses Act, 1845) and Sections 77 and 85 of the Railway Clauses Consolidation Act, 1845.

Assessment of compensation.—The amount of compensation is to be based upon the fair market value of the land and will be determined by a single arbitrator appointed by the Board subject to the following modifications of the Lands Clauses Acts :—

- (a) The remuneration of the arbitrator shall be fixed by the Board.
- (b) He is to act on his own knowledge and experience, and although he must hear the parties and their witnesses he is not to hear either Counsel or expert witnesses, except in cases where the Board direct this to be done.
- (c) A scale of costs applicable to such arbitrations is to be fixed by the Board, and any costs which the arbitrator considers to have been unnecessarily caused or incurred may be disallowed.
- (d) No additional allowance is to be made on account of compulsory purchase.

This will be a welcome improvement on the cumbrous and expensive procedure of the past, and will prevent such cases as that at Sheffield, where £6,000 was awarded for 14½ acres bought compulsorily for housing purposes, although 42 acres of the adjoining land had been bought by the Corporation, by agreement, at the rate of £100 per acre.

Compensation paid for glebe lands or other ecclesiastical land shall be paid to the Ecclesiastical Commissioners to be applied by them under the Ecclesiastical Leasing Acts.

APPLICATION TO SCOTLAND.

In regard to Scotland, these provisions shall apply substituting Scotland for England, Arbitrator for Arbitrator, Lord Advocate for Lord Chancellor, Local Government Board for Scotland for Local Government Board, and Burgh for Borough or Urban District, in all references under the first Schedule.

Common lands, open spaces, and allotments may be appropriated for Housing or Town Planning purposes where the scheme or order provides for giving in exchange an equal or greater area of other land certified to be equally advantageous to the present holders and to the public (Sec. 73 (1)).

Full opportunities must be given for representations on this subject, and, if necessary, a local enquiry must be held (Sec. 73 (2)). The expression "common" shall include any land subject

to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green ; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground ; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Failing such exchange any order or scheme dealing with such lands must be confirmed by Parliament.

Schemes for acquiring **land in the neighbourhood of royal palaces or parks** must first be submitted to the Commissioner of Works and any recommendations made by them shall be considered by the Local Government Board before confirming the scheme (Sec. 74).

The sites of ancient monuments or other objects of archæological interest, and land which is the property of any local authority or has been acquired by any corporation or company for the purposes of any public undertaking, cannot be taken compulsorily under the Housing Acts, nor can land which at the date of the Order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house (Sec. 46).

WHAT MAY BE DONE WITH THE LAND.

Land so acquired may be either—(1) Leased to companies or builders or working men for the erection thereon of workmen's dwellings (Sec. 5, Act of 1900) ; or (2) The Council may themselves undertake and carry out :—

- (a) The erection of lodging houses, block dwellings, tenement houses, cottages (Secs. 53 and 59, H.W.C.A., 1890), and shops for the benefit of the tenants (Sec. 11, Act of 1903).
- (b) The purchase and improvement or reconstruction of existing lodging houses, dwellings, or cottages (Sec. 58, Act of 1890).
- (c) The purchase or exchange of land for the purpose of encouraging such construction, improvement or reconstruction (Secs. 56, 57, and 60, Act of 1890).
- (d) The laying out and construction of public streets or roads or a contribution towards the cost of laying out and construction of any streets or roads on such land by other persons on the condition that they be dedicated to the public (Sec. 6, Act of 1909).
- (e) The provision of a garden, not more than an acre in extent (Sec. 50, Act of 1909).

- (f) Fitting up, furnishing, and supplying the dwellings with all requisite fittings, furniture, and conveniences (Sec. 59, Act of 1890).
- (g) Making any necessary byelaws and regulations (Secs. 61 and 62, Act of 1890).
- (h) Selling the houses if desirable and necessary after a period of seven years (Sec. 64, Act of 1890).

HOW TO GET MONEY FOR HOUSING PURPOSES.

Under previous Acts money could be obtained by local authorities for housing purposes, as follows

(1) The London County Council may, with the assent of the Treasury, create consolidated stock, and provide for repayment within eighty years ;

(2) London borough councils may, if the County Council think fit, borrow from the County Council or from the Public Works Loans Commissioners ;

(3) Urban district councils and town councils may either borrow from the Public Works Loans Commissioners or issue stock or borrow on security of the rates, subject to the following conditions :—

- (1) The consent of the Local Government Board must be obtained.
- (2) The period of repayment of the loan must not exceed eighty years.
- (3) Money so borrowed is not to be reckoned as part of the debt of the local authority for the purposes of the limitation on borrowing under Sec. 234 (2) (3) of the P.H. Act, 1875.

In the case of money from the **Public Works Loans Commissioners** it has been the rule prior to the passing of this Act—

- (a) to limit the period of the loan to fifty years ; and
- (b) to charge a higher rate of interest for long periods than for short periods, so that in many cases the rate charged was 4 per cent. or more, for interest alone.

Under the present Act—

- (1) These loans must be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund. This rate at present is fixed by Treasury minute at $3\frac{1}{2}$ per cent.
- (2) Loans may be made for periods up to eighty years with the sanction of the Local Government Board ; and
- (3) Interest on loans for long periods shall not be greater than for short periods.

The Public Works Loans Commissioners get their funds from the National Debt Commissioners supplemented by the proceeds of Local Loans Stock, £20,000,000 of which has been borrowed from the Savings Bank, which only gives 2½ per cent. to depositors.

The Commissioners are supposed, not only to assist municipal housing authorities with loans, but also housing companies and societies as well as individuals willing to erect dwellings for the working classes.

The total amount advanced by them for housing purposes up to the 31st March, 1906, was £3,938,604, viz.: £2,318,765 to local authorities on security of local rates and £1,699,929 to companies and private persons on the security of property.

The fees payable to the Board vary from £10 10s. od. for a loan of £1,000, and £22 5s. od. for a loan of £3,000, up to £31 for a loan of £10,000. There are, however, in addition, fees for services by the Office of Works and for out-of-pocket expenses.

Loans to private individuals and companies have been made under Section 67 of the Act of 1890, which allows any one desirous of building dwellings for the working classes to apply to the Commissioners for half the money required on loan for a period not exceeding forty years in England and Wales, and thirty years in Scotland. Up to 1906 loans were made to ten private individuals to the extent of £68,815; to nine Welsh companies, £40,515; to eleven Welsh building clubs, £51,260; to nine London Dwellings Companies, £787,611; to the Tenant Co-operators Society £9,075.

Since that date large sums have been lent to the various recently formed Co-partnership Housing Societies.

Money for Societies of Public Utility.—Under Section 4 of the new Act money may now be lent by the Public Works Loan Commissioners to a Public Utility Society to the extent of **two-thirds** of the value of the property, instead of one-half.

A Public Utility Society is defined as a "society registered under the Industrial and Provident Societies Act, 1893, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding £5 per cent. per annum."

The Act does not prescribe the rate of interest to be charged for loans in these cases, but it has been the practice of the Public Works Loan Commissioners, sanctioned by the Treasury minute of 1904, to lend money to companies and individuals who will agree to restrict their dividends as above mentioned, at the same rate of interest as that charged to local authorities.

GENERAL MATTERS CONNECTED WITH THE PROVISION OF NEW WORKING CLASS DWELLINGS.

The expenses of Rural District Councils in building new cottages are to be defrayed as general expenses chargeable over the whole district unless otherwise decided on application to the Local Government Board (Sec. 31 (1)), but when apportioned to specified contributory places the overseers if aggrieved may appeal to the local Government Board within twenty-one days (Sec. 31).

Facilities are given for the sale of land bought for housing purposes (Sec. 32), but this is a distinctly reactionary provision.

Joint Committees may be formed for the purposes of the Housing Acts by the Local Government Board on application by one of the authorities concerned. (Sec. 38).

Section 8 enables a Local Authority to accept a donation of land or money for any of the purposes of the Housing Act and dispenses with the necessity of enrolling any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

Apportionment of purchase money in uncertain cases.—In the case of purchase money or compensation coming to parties having limited interests or prevented from treating or not making title or otherwise being under any uncertainty or disability, the amount in question may, under Section 5, with the consent of the Local Government Board, be paid and applied as the Board may determine, instead of being paid into Court as under the Land Clauses Act, 1845 (Sects. 69-80), incorporated in Schedule II (20) of the Act of 1890.

Settled Land and Housing Schemes.—Section 7 (1) enables tenants for life and trustees of settled land not only to sell or let the land cheaply for housing purposes, and to expend capital money on cottages for labourers, farm servants, and artisans, whether employed on the estate or not (Sec. 74, Act of 1890), but also to promote the provision of dwellings available for the working classes, either by means of building new buildings, or by means of the reconstruction, enlargement, or improvement of existing buildings, so as to make them available for the purpose, if either the Court decides it is not injurious to the estate, or the tenant for life and the trustees agree to it.

Section 7 (2) provides that the erection of working class dwellings by the tenant for life at his own expense, with the approval of the trustees, shall not be deemed to be an injury to any reversion or remainder in that land.

Housing Trusts.—Considerable delay and some degree of unsatisfactory development often characterise the utilisation of land and money left to trustees for housing purposes, and the Court who so often have to authorise the various schemes would be materially assisted by competent intervention to expedite or

improve them. Section 9 enables the Local Government Board to institute or expedite legal proceedings by certifying a case to the Attorney General who can thereupon intervene at his discretion. It also requires the Court or other body preparing schemes applying trust property to communicate with the Local Government Board and receive and consider any recommendation the Board may make with reference to the proposed scheme.

Byelaws — Many unnecessary obstacles in the way of building cheap cottages and properly developing new estates have been imposed by the present code of building byelaws, but the present Act if properly administered will completely remove these difficulties.

By Section 44 the Local Government Board are empowered, if they so decide after local inquiry or otherwise, to require any local authority to revoke or modify any byelaws which unreasonably impede the erection of dwellings for the working classes, and if the local authority fail to do so, the Board may themselves revoke the old byelaws and make new ones.

Under the Town Planning part of the Act power is given to make sets of general or special provisions for the development of areas under the scheme by suspending existing byelaws and framing new regulations for the purpose, which will be equivalent to new byelaws. (Sec. 55.)

This ought to enable the local authority not only to avoid applying urban byelaws to a mixed urban and rural district, but to select proper building regulations applicable to the precise needs of the district so as to preserve the amenities and other desirable conditions according to local circumstances.

HOW TO MAKE A LOCAL AUTHORITY CARRY OUT ITS HOUSING DUTIES.

Powers of complaint on a large and systematic plan are given in respect of the non-exercise of housing duties by local authorities (Sec. 10). An appeal may be made to the Local Government Board by the County Council, Parish Council, Parish Meeting, or any four inhabitant householders if the local authority within their area fails to deal with insanitary houses or build new ones when required. In rural districts where necessary cottages are not built, the County Council may hold an enquiry and **take over the powers of the District Council** on receipt of a complaint from a Parish Council, a Parish Meeting, or any four inhabitant householders (Sec. 12). The Local Government Board may make an order requiring a local authority in default, to do all or any of the following works or other things within a time fixed by the order which may be enforced by mandamus (Sec. 11) :—

- (a) An improvement scheme for a large slum area under Part I of the principal Act.

- (b) A reconstruction scheme under Part II of the principal Act.
- (c) The demolition of obstructive buildings.
- (d) The inspection of the district required by this Act.
- (e) The purchase of land and building of cottages for the working classes (Sec. 10).

As to this lastnamed work, however, the effect of the section is practically destroyed by the provision in Subsection 2.

The value of this section will depend entirely upon the standard of housing conditions accepted by the Local Government Board, and the degree of sympathy felt by the Government of the day towards the provision of better dwellings for the working classes.

Many local authorities are willing at all times to clear slum areas and close unhealthy dwellings because this does not provoke the same degree of opposition from house agents, land speculators, and jerry builders, as schemes under Part III for the provision of better and cheaper dwellings. It is, however, quite a common experience for schemes for municipal buildings to be wrecked both by frontal and flank attacks, because, after all, by providing competitive dwellings they force the hand of those who wish, by limiting the supply of cottages, to keep up excessive rents.

Local authorities must report on housing conditions in any crowded area in their district if required by the Local Government Board (Sec. 37).

The Act further empowers the Local Government Board to prescribe a form of record for the results of inspections carried out by local authorities, and enables the Board to enforce by mandamus the performance of housing duties where the local authority is in default (Sec. 17 (1)) and 10 (6), 11 (2)).

INSPECTION THE ESSENTIAL FOUNDATION OF ALL HOUSING WORK.

Inspection is the duty of the local authority (Sec. 17 (1)), it can be enforced by order of the Local Government Board (Sec. 11 (1)); it can be exercised by the landlord or his agent (Sec. 15 (2)); and the power of entry for purposes of inspection, examination, survey, or valuation, is extended to any person authorised in writing by the local authority or the Local Government Board on giving twenty-four hours' notice to the occupier or owner (Sec. 36) if the owner is known.

Register or record of housing conditions.—Although the clause which provided for a housing survey and register was unfortunately deleted from the Housing Bill, it is possible that an extremely valuable work can be accomplished by a thorough

application of Section 17 (1), provided the Local Government Board in their regulations authorised by this section insist upon the record so far as it relates to the structural condition of the dwellings and the names of the owners being fully recorded and open to public inspection. The need for such provisions may be judged from the fact that, according to a moderate estimate, there are some 700,000 dwellings in England, or 10 per cent. of the whole, in such a neglected state of repair as to be unsuitable for habitation in decency and comfort. Even if such information is not required to be recorded by the Local Government Board, there is nothing to prevent a public-spirited local authority from constructing such a register gradually during the next five years, so as to give effect to the recommendations of the select committee on rural housing which may be modified as follows to apply to the present circumstances.

How to construct a register of housing conditions —
 Every house and tenement should be entered in a register and a copy kept at the office of every district or town council within whose area the dwelling is situated, and a summary of the contents of such register should be sent annually to the county council. Both the register and the summary should be open for public inspection at reasonable times.

This register should contain such particulars about the house as (1) situation and address ; (2) rated occupier ; (3) beneficial owner ; (4) freeholder ; (5) area of site ; (6) number and description of rooms and offices in each house ; (7) number of rooms, specifying number of bedrooms ; (8) number of occupants and their sex and approximate age at time of survey ; (9) sanitary equipment, including light, air space and ventilation ; (10) sanitary condition of property ; (11) state of repair of house ; (12) water supply ; (13) rent ; (14) if let in lodgings, number of rooms and of lodgers.

The register would be in effect merely an enlargement of the parish rate-book or valuation list, and once prepared would entail but little trouble in keeping it up to date. At present the local authorities can give no information of real value with regard to the house property in their area, whereas a reference to this book would enable valuable statistical information to be got together as to the number of cottages with two or three bedrooms, their rents, and so on. A systematic house to house survey for the purpose of compiling this register would be one of the first duties of the inspectors under Section 17 (1) of the Act, 1909. The system is in general practice on the Continent. For the survey under the new Dutch Housing Law twenty-one points of detail are required. In Germany, France, and Belgium, similar records are made.

The following report by Mr. H. R. Aldridge, Secretary of the National Housing and Town Planning Council, may be of interest in this connection :—

Since 1894 the Municipality of Paris has possessed a staff of ten Inspectors attached to a special branch (Le Casier Sanitaire) of the Health Department, and to these Inspectors and to the staff of the Casier Sanitaire a task of a three-fold character has been entrusted, viz. :—

- (a) The systematic inspection of all the houses in Paris—containing more than 80,000 separate tenements.
- (b) The keeping of accurate records of the sanitary conditions disclosed by their enquiries.
- (c) The adding to these records of actual enquiry the figures relating to disease and death as registered by another department of the Municipality.

In fifteen years an absolutely reliable record of the Housing and Sanitary conditions of Paris has been obtained. Every house has during this period been visited at least twice, and many thousands of requisitions have been served on owners of property requiring improvements to be made.

The annual cost of the ten Inspectors on the outdoor staff is £1,200—an average for each Inspector of £120 per annum.

The indoor staff consists of four officials of the Service d'Hygiene, viz. : the Chef du Bureau, Monsieur Juillerat, and three Clerks.

The cost of the forms and portfolios required for making and recording the Survey is £320 per annum.

The equipment is quite simple. One room, 16 feet long by 16 feet broad and 12 feet high, suffices to keep the records of the investigations made in regard to the condition of upwards of 80,000 dwellings with a population of $2\frac{3}{4}$ millions of inhabitants.

The investigations are recorded on forms enclosed in a card portfolio $11\frac{1}{2}$ by $8\frac{3}{4}$ inches, with the number of the house, name of the street, and other similar information recorded upon the cover.

The papers contained in the portfolio or Dossier, comprise :—

- (1) Plan showing the water supply, closets, &c., of the house.
- (2) A form describing the house (which generally is of the block type) giving the number of floors, rooms, inhabitants, and much other information.
- (3) A record of the deaths, reported to another department of the Service d'Hygiene, occurring in the house. (This record is made up day by day.)
- (4) A form showing the number of disinfections of rooms made, and the diseases for which these have been made.
- (5) One or several forms containing a record of the requisitions made by the Health Department from time to time.
- (6) A form giving the results of any special Sanitary enquiry which may have been made.

The separate records of each of the houses in a street are together placed in a large portfolio, which thus comprises all the houses in a given street. Every year the records increase in value as giving the death and disease history of every house in Paris. With unerring accuracy the officials of the Health Department can, with the aid of their records, indicate the worst centres of disease, and whenever public opinion is strong enough to support a thorough scheme of slum clearance all the information needed is available.

In the case of Paris remedial action has not swiftly followed the possession of knowledge, but the investigations made in regard to Tuberculosis have during the past year led the administrative head of the Paris Municipality —The Prefect of the Seine—to outline a great scheme of clearance and improvement, involving the ultimate expenditure of many millions of pounds.

The possession of the "death and disease" record of every house would in any case be of enormous value to Medical Officers and Sanitary Committees.

The proportionate cost of surveying and keeping the record would probably be greater in Great Britain owing to the fact that our prevailing type of dwelling is the cottage instead of the block. On the other hand, much of the work already done by Sanitary Departments could without difficulty be co-ordinated and rendered additionally valuable by modifying the system to our requirements.

HOW TO MAKE NEGLECTFUL LANDLORDS KEEP THEIR HOUSES CLEAN AND IN GOOD REPAIR.

In the case of houses, or parts of houses **let after the passing of this Act**, at rentals not exceeding (a) in London £40, (b) in towns with a population of 50,000 or upwards £26, and (c) in the case of houses situate elsewhere £16, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation, provided that the house is not let for a term of three years or more with conditions that the lessee will make it reasonably fit for human habitation (Sec. 75, Act of 1890, and 14, Act of 1909). Contracting out of this obligation is prohibited by Section 12 of the Act of 1903.

The value of this section is largely destroyed by the limitation imposed in the words "After the passing of this Act," and also by the absurd qualifications as to rentals in various districts.

By the Act of 1909 houses coming within the above category **must also be kept during the holding** in all respects reasonably fit for human habitation (Sec. 15). This means that the proper cleansing and repair of a great many houses is a duty put upon the landlords, against whom the tenant can get a remedy in the Courts of Law, and otherwise, for breach of contract where the houses are allowed by the landlords' neglect to become dirty and dilapidated.

It is also the duty of the local authority to enforce this condition by calling on the landlord to execute specified work necessary to make the house fit, and if the landlord fails to do the work the local authority may (unless the landlord closes the house) within twenty-one days do the work and recover the expenses from the landlord as a civil debt, either in a lump sum or at their discretion by annual instalments in a period not exceeding five years, with interest at a rate not exceeding five per cent. (Sec. 15 (5)).

The object of this provision is to compel landlords, and especially trustees, to take "the stitch in time that saves nine," by preventing them from neglecting repairs so long and unreasonably as to allow property to become dirty, dilapidated, or uninhabitable, even if not absolutely dangerous to health, and therefore too costly to put right in the end.

In the long run it will save the pockets of the owner, as well as the health of the tenants and the public.

For the purpose of carrying out this duty a right of entry for inspection is given to the landlord and the local authority (Sec. 15 (2)). The landlord may appeal to the Local Government Board against unreasonable action on the part of the local authority (Sec. 15 (6)).

An early amendment of the new Act, however, is essential to make this a really practical and working provision.

HOUSES LET IN LODGINGS.

Sub-let houses such as have several families under one roof can be subjected to very stringent byelaws under Section 90 of the Public Health Act, 1875, as modified by Section 8 of the Housing Act, 1885. These powers have been strengthened in the present Act by Section 16, which enables the local authority to impose upon the owner any duties which may be imposed upon any person having an interest in the premises, thus securing that the really responsible person may be dealt with as well as some possible "man of straw" to whom the byelaws would otherwise apply.

Common Lodging Houses solely constructed for the purpose and let at not more than 6d. per person per night are exempted from assessment to Inhabited House Duty if due provision is made for proper sanitary requirements (Sec. 35).

HOW TO GET LARGE SLUM AREAS CLEARED.

Part I of the principal Act provides for the clearing of large unhealthy areas (in urban districts only) (Sec. 3, Act of 1890), and the execution of an improvement scheme.

The authorities empowered to take action under it are the London County Council and all urban district councils or town councils (Schedule I, Act of 1890).

It is the duty of the medical officer of health when he sees proper cause, or when two or more justices or twelve or more ratepayers in his district complain of any unhealthy area therein, to inspect such area, and make an official report on it in writing to the local authority (Secs. 5 and 79, Act of 1890).

Complaints must take the form of an official representation that the houses, courts, or alleys, or the sanitary defects within a certain area, are dangerous or injurious to health and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such areas cannot be effectually remedied otherwise than by means of an improvement scheme (Sec. 4, Act of 1890, and Sec. 22, Act of 1909).

If the medical officer of health represents the area as not unhealthy, twelve or more ratepayers may appeal to the Local Government Board, who, upon security for costs being given, must appoint a legally qualified medical practitioner or an inspector or officer, or any person employed by the Board (Sec. 26, Act of 1909), to report on such area, and the local authority must act on this report (Sects. 8 and 16, Act of 1890).

Improvement Scheme.—Where an area is thus officially represented to be unhealthy, the local authority, if possessed of sufficient resources, must make an improvement scheme. The improvement scheme must be accompanied by maps, particulars, and estimates. It need not be confined to the exact limits of the unhealthy area, but may include lands which the local authority consider necessary to the improvement of the area or the general efficiency of the scheme (Sec. 23, Act of 1909), or for the purpose of providing accommodation for displaced members of the working classes (Sects. 6 and 11, Act of 1890). In default of the local authority making a scheme it may be made by the Local Government Board and enforced by mandamus.

It must be advertised and notices duly served, if and as prescribed by the Local Government Board (Sec. 49, Act of 1909), who have power to dispense with publication if satisfied that there is reasonable cause for so doing. This dispensing power also applies to schemes under Part II and Part III of the principal Act, and if freely used, may save unnecessary time and expense. The Board must hold a local enquiry and may then make a provisional order confirming the scheme (Sec. 7, Act of 1890).

Confirmation of Improvement Schemes.—Previous to the Act of 1903, improvement schemes under Part I and some schemes under Part II had to be confirmed as Provisional Orders by Act of Parliament, but Section 5 (2) of the Act of 1903 dispensed with this confirmation except for certain cases of opposed orders. Now by Section 24 of the Act of 1909, all orders concerning improvement schemes, both under Part I (Sec. 8 (6)) and Part II (Sec. 39 (5)), will take effect without confirmation by Parliament.

Execution of Schemes.—The local authority may pull down the buildings, clear the area, and make or widen, close or divert (Sec. 23, Act of 1909), any streets and extinguish or make arrangements as to any right or easement (Sec. 22, Act of 1890, and Sec. 27, Act of 1909), upon the lands dealt with, after compensating the owners and others concerned (Sec. 12, Act of 1890). Modifications of the scheme either by abandonment of or additions to, any part may be sanctioned by the Local Government Board (Sec. 25, Act of 1909).

Terms of Compensation.—Provision is made for the assessment of compensation by the Purchase Clause in Section 21 of the Act of 1890, which enacts :—

(1) That compensation shall be based upon the fair market value at the time of valuation without any additional allowance in respect of compulsory purchase ;

(2) In forming the estimate, due regard is to be had to the nature and condition of the property, and the probable duration of the buildings in their existing state ;

(3) Deductions are also to be made for existing nuisances—

(a) For an enhanced value by being used for illegal purposes or owing to overcrowding.

(b) For the bad state of repair in which the premises are found.

(c) The property not being reasonably capable of being made fit for habitation.

The arbitrator may be appointed by the Local Government Board, if so requested by the local authority.

Re-housing Persons Displaced.—The expenses and income of a scheme under this part of the Act must be carried to a “dwelling house improvement fund” and the necessary loans may be raised in the ordinary manner (Secs. 24 and 25).

Accommodation must be provided as follows :—

(a) In London, either for the whole or not less than half of the population displaced, to the satisfaction of the Home Secretary, unless it can be shown that within the immediate vicinity the required accommodation has been or is to be otherwise provided ;

(b) In any other urban district such accommodation (if any) as determined by the Local Government Board.

It will, of course, be noted that the whole question of re-housing under Local Improvement Acts and Railway Acts, &c., is regulated by the schedule to the Housing of the Working Classes Act, 1903, which contemplates the provision of new dwellings, in some cases before demolishing the old ones, and requires all houses provided under the Act to be used for working-class dwellings at least twenty-five years. It further enacts that—

(a) If “thirty or more persons” are to be displaced under Parliamentary powers the promoters of the undertaking must first obtain formal approval of a scheme for re-housing.

(b) In fixing the number to be re-housed, persons of the working classes displaced during the previous five years are to be considered.

HOW TO DEAL WITH SMALL SLUMS.

Part II of the principal Act which deals with small slums, unhealthy houses, and obstructive buildings, has been considerably modified by the new Act. The procedure for closing orders and

demolition orders in Sections 32, 33, and part of Sections 29 and 47 (3), together with the provisions as to confirmation of improvement schemes for small areas contained in subsections (5), (6), (8), and (9) of Section 39 of the principal Act, have all been repealed.

There are also modifications of Sections 29, 36, 37 (1), 38, 46, 49, and 51, of the principal Act, which deal with the definition of dwelling-house; making of charging orders; compensation for obstructive buildings; confirmation of reconstruction schemes; enlargement of matters that may be provided for under Part II to the extent as under Part I; payments by county borough councils towards Part II schemes; enlargement of time by local magistrates; service of notices; description of owner, and the inspection of premises by authorised persons.

As amended it provides for:—

(1) The **inspection** of every sanitary district from time to time with a view to ascertain whether there are any houses unfit for human habitation (Sec. 17 (1), Act of 1909).

(2) The keeping of such **records of inspection** as the Local Government Board may prescribe (Sec. 17 (1), Act of 1909).

(3) The **closing** by order of the local authority of any dwelling-house, represented by any officer of the authority as being unfit for human habitation (Sec. 17 (2), Act of 1909). The order to become operative subject to an appeal to the Local Government Board, but without recourse to the Courts of Law.

(4) The **demolition** by the local authority of any dwelling-house where a closing order has remained operative over three months (Sec. 18, Act of 1909).

(5) The enforcement by the local authority of a provision that houses let under certain rentals shall be kept in all respects **reasonably fit for habitation** (Sec. 75 of the Act of 1890, and Secs. 14 and 15, Act of 1909) where let after the passing of this Act.

(6) Removal of **obstructive buildings** (Sec. 38 of the Act of 1890, and Sec. 28 (1), (2), of the Act of 1909).

(7) The **reconstruction** of small unhealthy areas (Sects. 30 and 40 of the Act of 1890, with Sects. 23, 24, and 33 of the Act of 1909).

It applies to all urban and rural sanitary authorities, but those in London and rural districts must communicate all steps taken to the county council (Sec. 45) and Schedule I, Act of 1890.

Improvement Scheme for Small Area.—The procedure for improvement schemes under Part II of the principal Act used to be entirely different from that under Part I, but by Sections 4, 5, 6, and 7, of the Act of 1903, they were made very much alike

and by Section 23 (2), Act of 1909, provision may be made in a scheme under Part II of the principal Act for any matters for which provision may be made in an improvement scheme under Part I of that Act. A small improvement scheme, however, may be made where obstructive buildings or unhealthy houses have been demolished by order of the local authority, if it appears to them that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses to dedicate the area of the site of the demolished building as a highway or open space, or to apply it as a site for working class dwellings, or to exchange it for other land more suitable for the erection of such dwellings. The remarks above made as to the clearance of a large slum area apply in nearly every respect to the smaller scheme. See, however, Sections 23 (2), 24 (2), and 33 of the Act of 1909.

OBSTRUCTIVE BUILDINGS.

The medical officer of health or any four ratepayers may inform the local authority of any building—

- (a) So dangerous or injurious to health as to be unfit for human habitation.
- (b) Which stops ventilation or otherwise conduces to make other buildings injurious to health.
- (c) Which prevents proper measures from being carried into effect for remedying any nuisance injurious to health (Secs. 31, 38, and 39, Act of 1890).

The local authority, after receiving a report as to the circumstances, and the cost of pulling down the buildings, may, after hearing the owner's objection make an order directing that such building shall be pulled down. They may purchase the site, or part of it, without obtaining a provisional order, and may levy a betterment rate on the other buildings which have been improved in value by the removal of the obstructive building. The owner is entitled to retain the site if he wishes to do so. Compensation must be settled by arbitration under Section 38 (6), (7), (8), and (9) of the principal Act, and the apportionment of compensation between persons having an interest therein shall be as the arbitrator determines. Similarly the power of the arbitrator to apportion the betterment charges may be exercised where the compensation has been settled otherwise than by arbitration under the principal Act, by an arbitrator appointed for the special purpose on the application of the local authority by the Local Government Board (Sec. 28, Act of 1909).

Back to Back Houses.—These are the commonest form of obstructive buildings. They cause stagnation of the air within the dwelling owing to the absence of through ventilation. A common scheme for remodelling them is to convert half into double houses with through ventilation, or remove alternate pairs on one side of a back street. Prevention, however, is better than cure, and

Section 43 of the Act of 1909 prohibits the erection of back-to-back dwelling-houses except where the medical officer of health certifies that the tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.

CELLAR DWELLINGS.

After the 1st July, 1910, a cellar dwelling used habitually as a sleeping place shall be deemed to be a dwelling house unfit for human habitation, if—

- (a) The surface of the floor is not more than three feet below the surface of the part of the street adjoining or nearest to the room ; and
- (b) Is either not an average at least 7 feet in height from floor to ceiling, or does not comply with regulations prescribed by the Local Government Board for securing the proper ventilation and lighting of such rooms and the protection thereof against dampness, effluvia, or exhalation.

CLOSING ORDERS.

Unhealthy Houses.—The medical officer of health shall, and any four ratepayers may, inform the local authority of any building which they consider so dangerous or injurious to health as to be unfit for human habitation (Sec. 31, Act of 1890), and upon receipt of a representation from the medical officer or any other officer of the authority, or information given, the local authority must make an order prohibiting the use of any dwelling-house which appears to them to be in such a state until they decide that it is rendered fit for human habitation.

This improvement in procedure is rendered necessary from the fact that out of dwellings inhabited by a population of 11,000,000, there were only 4,220 closing orders and 748 demolition orders in the seven years ended 1905, so that, at this rate, it would take about a century to get rid of the existing unhealthy dwellings, even if no new ones were created in the meantime.

Before the Act of 1903 it was necessary to give notice to the owner or occupier of a house to abate the nuisance before applying for a closing order, and it was difficult to recover possession from the occupying tenants. Sections 8 and 10 of the Act of 1903 dealt with this difficulty, but it was still necessary to apply to the Petty Sessions Court, first to make the closing order, and secondly, to deal with possible appeals to the magistrates against demolishing the house, or for extending the time to execute work.

Under the Act of 1909 these difficulties have been removed, local magistrates no longer have authority to make the closing order or to extend the time (Sects. 17 (2) and 21, Act of 1909). So that the procedure now will be as follows :—

Closing Order—Procedure.

- (1) Resolution of local authority making closing order.
- (2) Service of notice thereof on the owners.
- (3) Closing order becomes operative within fourteen days unless the owner appeals to the Local Government Board within that period after the service of the order.
- (4) Service of notice of the order on occupying tenant after the order has become operative, giving him not less than fourteen days to quit the dwelling-house.
- (5) In default, the tenant will be liable on summary conviction, to quit the dwelling-house within a specified time.
- (6) Reasonable expenses of removal may be allowed to the tenant at the cost of the owner or landlord, if the dwelling-house has not been made unfit by the wilful act or default of the tenant or others for whom he is responsible.
- (7) If the dwelling-house has been made fit to the satisfaction of the local authority, they may determine the closing order ; or
- (8) The owner may apply to them to determine the order, and if refused, may within fourteen days of making the application, appeal to the Local Government Board to have the order determined.

DEMOLITION ORDERS.

Procedure.—Where a closing order in respect of any dwelling-house has not been determined, the local authority must carry out the demolition of the unhealthy house, as follows :—

- (1) Three months after the order has remained operative notice must be given to the owner to attend a meeting to consider the demolition of the house.
- (2) Not less than one month after the service of the notice after hearing the owner, the local authority shall order the demolition if of opinion
 - (a) That it has not been rendered fit for human habitation and that the necessary steps are not being taken with all due diligence to render it so fit ; or
 - (b) That the continuance of any part thereof is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses.
- (3) If the owner does the work, the operation of the order may be postponed for not more than six months.
- (4) Notice must be served on the owner, who may appeal to the Local Government Board within twenty-one days after the order is served upon him.
- (5) The house must be demolished by the owner.

CHARGING ORDERS.

By Sections 36 and 37 of the principal Act, the owner of property in respect of which works have had to be executed by order of the local authority, may apply for a charging order enabling an annuity to be charged on the dwelling-house, having priority over all existing charges with the exception of charges incident to tenure, tithe rent charges, and statutory charges, created in respect of advances of public money. This provides a simple method of recovering from the various persons interested in any property their share of the expenses of keeping it in good condition. By Section 19 of the Act of 1909 any person interested in the dwelling-house under a charging order shall be at liberty to redeem the annuity. Section 20 gives priority to charges on a dwelling created by any provision of the Public Health Acts or any local Act.

APPEALS TO LOCAL GOVERNMENT BOARD.

Appeals to the Local Government Board under Part I of the Act of 1909 are regulated by Section 39, which provides :—

- (a) That the procedure shall be determined by such rules as the Board may determine.
- (b) That the Board may make any such order as they think equitable.
- (c) That any order so made shall be binding and conclusive on all parties.
- (d) That in the case of any appeal against any notice order or apportionment of the local authority, the Board may confirm, vary, or quash the notice, order, or apportionment, as they think just.
- (e) That no appeal shall be dismissed by the Board without having first held public local inquiry.
- (f) The Board may at any stage of the proceedings, and shall, if so directed by the High Court, state a special case on any question of law arising in the course of the appeal.

Rules for these appeals have been made by the Local Government Board, and are appended to the text of the Act herewith.

NEW FORMS AND NOTICES.

Section 41 of the new Act confers upon the Board a general power of prescribing the form of notices, advertisements, and other documents, and also of dispensing for reasonable cause with the publication of advertisements or the service of notices under the Housing Acts. This section applies to all parts of the Housing Act.

Twelve new forms have been published by the Board (11th January, 1910), as follows, the forms themselves being appended to the text of the Act herewith:—

Keeping Houses in Repair (Section 15).

- (1) Notice by person authorised by the local authority before entry, for the purpose of viewing the state and condition of a house to which Section 15 applies (Sec. 15 (2)).
- (2) Notice requiring landlord to execute works in the case of a house to which Section 15 applies (Section 15 (3)).
- (3) Notice declaring intention of landlords to close for human habitation a house to which Section 15 applies (Section 15 (4)).
- (4) Form of order declaring expenses incurred by the local authority in the case of a house to which Section 15 applies, to be payable by annual instalments (Sec. 15 (5)).

Closing Orders (Sec. 17).

- (5) Form of closing order (Sec. 17 (2)).
- (6) Notice of closing order which has become operative (Sec. 17 (4)).
- (7) Order determining closing order (Sec. 17 (6)).
- (8) Form of refusal of local authority to determine a closing order (Sec. 17 (6)).

Demolition Orders (Sec. 18).

- (9) Notice of time and place at which the question of the demolition of a dwelling-house will be considered (Sec. 18 (1)).
- (10) Order for demolition of dwelling-house (Sec. 18 (2)).
- (11) Order for demolition of building being or being part of a dwelling-house (Sec. 18 (2)).
- (12) Order postponing operation of order for demolition of dwelling-house (Sec. 18 (3)).

GENERAL MATTERS.

Publication of long schemes and documents in the London Gazette may be avoided by giving short particulars of the contents thereof in two local newspapers and stating where complete copies can be inspected or obtained (Sec. 42).

The present **disqualification** of tenants of municipal dwellings who may receive **Poor Law Relief** is removed by Section 46 which repeals Section 63 of the principal Act.

Those provisions of the new Act which supersede or amend any provisions of the principal Act are to be considered as part of the corresponding part of that Act, and any references in the Housing Acts, 1890 to 1903, to closing or demolition orders are to be equivalent to references to similar orders under the new Act (Sec. 47).

The omission to define the term "**street**" as used in Part I of the principal Act, is supplied by giving it the same meaning as is given to it by Section 29 of the principal Act. Hence it will include any court, alley, street, square, or row of houses (Sec. 48).

In order to bring a house which has ceased to be inhabited within the definition of the term "dwelling-house" in Section 29 of the principal Act, the definition therein is amended by the omission of the words "means any inhabited building and" (Sec. 49 (1)).

The term "**owner**" is enlarged to include in addition to the definition given by the Lands Clauses Act, or lessee or mortgagees of premises, except persons holding or being entitled to the rents and profits of the premises under a lease with an original term less than twenty-one years.

PART II.

TOWN PLANNING.

See Chapter IX., "Housing Up-to-Date," by the same author.

The town planning part of the Act is contained in Clauses 54 to 67 with Schedules 3, 4, and 5, which are intended to secure by means of **schemes prepared either by local authorities or land owners** that, in future, land in the vicinity of towns shall be developed in such a way as to prevent the growth of new slum areas on the outskirts and to secure a greater degree of public control over the laying out of new housing areas than existed prior to the passing of the Act.

It is important, however, to recognise that town planning in the fullest sense of the word cannot be carried out under this Act, which deals rather with what may be called "Site Planning," inasmuch as it does not empower the local authority to deal with the existing built-on area, or to lay down a skeleton plan for remodelling the town as a whole, and establishing the necessary modifications in the tramway system, or other means of communication.

Nevertheless, it establishes the important principle that the use of land for building purposes shall be subject to control in the public interest as well as for the profit of the owner, and it will lend itself to a large number of useful experiments, which will show better than we know to-day what precise provisions will be needed in the series of Acts that will be required before we get town planning in the full sense of the word.

WHO WILL MAKE THE TOWN PLANS.

The Local Authorities who will administer the Act are :—for London, the London County Council ; and for the Provinces, the various Town Councils, Urban District Councils, and Rural District Councils (Sec. 65 (1)). The Board may constitute a joint body to deal with land in the area of more than one local authority (Sec. 55 (3)). They can do little or nothing, however, at any stage except with the consent of the Local Government Board, and running through the whole of the town planning clauses is the question as to how that Board will give effect to the various regulations, general provisions, special provisions, and interpretations of the particular clauses.

Schemes, however, may be prepared by land owners themselves, and the Local Government Board have power to compel the local authority to adopt any scheme proposed by owners of land in any case where the scheme ought to be adopted, or may approve the scheme proposed by the owners subject to such modifications as the Board think fit after holding a public local inquiry (Sec. 56 (2)).

In a circular to local authorities on the subject, the Board attach great importance to co-operation of the local authority with the owners of land. They point out how Section 56 (2) requires the Board's regulations to provide for this co-operation by means of conferences and otherwise, at every stage, and that the General Provisions under Section 55 give power to the responsible authority to make agreements with owners and for owners to make agreements with one another (Schedule 4 (13)).

The Board express the hope that by means of conferences, agreement may generally be arrived at between the local authority and the owners concerned before a scheme is formally submitted for approval ; and if it is thought that at any stage prior to such submission, the assistance or advice of any of the Board's experts might tend to facilitate such agreement or to save labour or expense, such assistance or advice can be readily obtained.

DEFAULT POWERS OF LOCAL GOVERNMENT BOARD.

Section 61 gives power to the Local Government Board to order a local authority to prepare or carry out a town planning scheme, as the case may be, and to enforce the same by mandamus, where the Board are satisfied on any representation after holding a public local inquiry that the local authority have :—

- (a) Failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made ; or
- (b) Failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted ; or

- (c) Unreasonably refused to consent to any modifications or conditions imposed by the Board;
- (d) Failed to enforce effectively or execute the provisions or works of any scheme (Sec. 61 (2)).

A Vital Point.—These provisions and official instructions are still further strengthened by the requirements in Section 54 (4) that if any single owner or other person or authority interested, objects in the prescribed manner to a town plan when it has gone through all its stages, including approval by the Local Government Board, the scheme must be laid before both Houses of Parliament, and may be rejected by a resolution of the House of Lords or House of Commons.

It is extremely important that the influence of this provision on the possibilities of town planning should be recognised at the outset, and that while public opinion is comparatively fresh and favourable to the idea of carrying out the spirit of "Town Planning" a high standard should be set up in the earliest schemes, regulations, and departmental procedure.

WHAT LAND MAY BE THE SUBJECT OF A TOWN PLAN.

Section 54 (1) provides that a town planning scheme may be made for—

- (1) Any land which is in course or development, or
- (2) Any land which appears likely to be used for building purposes.
- (3) Any land likely to be used as or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds.
- (4) Any land likely to be used for the purpose of executing any work upon or under the land incidental to a town planning scheme whether in the nature of a building work or not.

Such schemes may apply to any lands within or in the neighbourhood of the area of the local authority preparing the scheme.

In Germany the expression "likely to be used for building purposes" covers land likely to be so used during the next thirty years. Any question as to whether any land in this country comes within the foregoing categories will be decided by the Local Government Board, whose decision will be final. The scheme need not, however, be exclusively confined to land of this character, for the effect of Section 54 (3) is to enable a town planning scheme to include pieces of land already built upon, or which are not likely to be used for building purposes, when by reason of their situation with respect to land which is likely to be used for building purposes, they ought, in the opinion of the Board, to be so included. Provision may be made for the demolition or alteration of any building so far as may be necessary for carrying the schemes into effect.

MUNICIPAL LAND PURCHASE AND TOWN PLANNING.

Under Section 60 (1) the responsible authority may, for the purpose of a town planning scheme, purchase by agreement or be authorised by an order submitted to and confirmed by the Local Government Board, to **purchase compulsorily any land comprised in the scheme** in the same manner and subject to the same provisions as a local authority are enabled or may be authorised to purchase land situate in an urban district for the purposes of Part III of the Housing of the Working Classes Act, 1890, as amended by Sections 25, 45, 73, and 74 of the new Act. These provisions, which are contained in the first Schedule, have been previously explained.

Under Section 60 (2) a local authority though not themselves the responsible authority, may purchase or may be authorised to purchase in the same manner, land included within their area which is included in a town planning scheme.

These powers of land purchase under town planning schemes although at one time the subject of controversy between housing reformers, are now recognised to be most useful and necessary, especially in connection with the linking up of the contiguous areas on a common plan where they are grouped round the same traffic centre. They will tend to save the ratepayers' money in future, and to meet the possible difficulties with regard to the price of land and the rents of working-class dwellings which are found in certain towns abroad, in spite of—or, as some eminent authorities say, because of—town planning schemes.

OBJECTS OF A TOWN PLAN.

Section 54 (1) provides that the objects of the town plan are "securing proper sanitary conditions, amenity, and convenience in connection with the **laying out and use** of the land and of any **neighbouring lands**."

Much will depend upon the interpretation given by the Local Government Board to the three expressions: "proper sanitary conditions," "amenity," and "convenience," which apply, it will be noted, not only to the land planned but to neighbouring land. They must all, of course, be interpreted relatively to considerations of economy in the true sense of the word, but they need not necessarily be subordinate to the question of speculative profits or interests in land values demanded by landlords. However, a proper application of the graded zone system will probably be the solution, a less rigorous standard being demanded for central sites than for suburban areas, remembering always that the life and health of the people should be the first charge on the land.

The above three expressions correspond to the requirements laid down by Dr. Stubben, the great German authority on town planning, who says that the first thing to be settled in a town

plan is the position, direction, and width of the principal streets, and this should be followed by a general indication of the mode of division of the land into sites which must be so arranged with regard to each other that the demands of "**traffic, health and beauty**" may be complied with as fully as possible.

Sunlight, fresh air, and vegetation, are now recognised as the trinity of necessities which form the basis of all sound **sanitary conditions**, and an adequate supply of these can only be secured in the first place by limiting the overcrowding of buildings on the land ; in the second place by a proper distribution and arrangement of such buildings ; and in the third place by establishing proper relations between such distribution of the buildings and the system of drainage, sewerage, and water supply.

It is curious to note, however, that in Section 59 (2) the limitation on the number, height, and character of buildings is mentioned only in connection with "securing the **amenity** of the area."

At the present time there are varying powers, practices, and standards under the bye-laws of different local authorities in respect to air space, width of streets, construction of buildings, drainage, sewerage, and water supply, but it is safe to say that if new estates were merely to comply with the best of these the sanitary conditions would still leave much to be desired.

"Amenity" or pleasantness is a very elastic term, but may reasonably be held to cover the preservation, where at all practicable, of trees, hedges, and other natural features which add to the beauty of the surroundings, by effecting deviations in the street lines, or judicious arrangement of gardens and other open spaces, while it may also include the protection of residential districts as far as possible from the smoke, noise, ugliness, and other objectionable accompaniments of certain manufactures and other undertakings. It is of course necessary to protect the owner of one estate from another owner who for purposes of profit might desire to utilise his land in such a way as to lessen the amenities of residence, or unreasonably disfigure the district or spoil the view.

"Convenience" mainly has regard to the streets and other means of communication between one part of a district and another, and would justify the local authority in varying their width, direction or construction, where so required, to meet the needs of pedestrians and vehicular traffic to and from adjacent estates and surrounding districts, as well as to suit the requirements of the residents.

Width of Streets.—The standard set up by the Local Government Board for the maximum width that may be required for roads, will materially effect the question of compensation, because though the Prussian Town Planning Act requires the owners of

sites bordering the streets outlined in a Town Extension Plan to give without payment the land for constructing a street 85 feet in width, and to bear the whole cost of constructing the street, the practice in England has been in most towns to accept 40 feet as the normal width to be provided under such conditions. It is obvious that this width is insufficient and will have to be increased if local authorities are to plan out proper and improved streets and roads. Even the maximum of 54 feet as in Salford, or 60 feet as in Edinburgh, is not sufficient so far as land is concerned. It is probable that the extra cost of construction of great lines of communication and the provision of specially broad promenades, boulevards, &c., will be met by the purchase of a strip of land on either side of the road on the lines of Section 11 of the Development Act, 1909, which by this means enables the authority to reap the increased value or betterment. In any case land should be given free for arterial roads up to the Prussian standard.

GENERAL PROVISIONS.

The extent to which these objects may be dealt with will be defined in a set of General Provisions to be prescribed by the Board (Sec. 55 (1)), in accordance with the fourth Schedule, which mentions Streets, Buildings, Open Spaces (private and public), the Preservation of Objects of Historic Interest or Natural Beauty, Sewerage, Drainage, Lighting, Water Supply, Rights of Way, Obstructive Buildings, and any consequential works to the foregoing as being within the scope of a town plan. These General Provisions are to take effect as part of every scheme except so far as the Board may vary or exclude them in the provisions of the scheme itself.

The most important provision in this connection is that which aims at giving power to local authorities "to limit the number of buildings, and the height and character of those buildings."

If a proper standard is taken, and the Local Government Board can and will give full effect thereto, we may look for a great multiplication of the very interesting garden suburbs and villages of which such excellent examples are to be found in Bournville, Earswick, Port Sunlight, Hampstead Garden Suburb, and Woodlands Colliery Village.

There is, however, no clear enactment or guide as to the carrying out of this very valuable power which is the fundamental one in town planning, and there is some degree of doubt as to how it will be made really effective, but by piecing together various parts of the Act it will be seen that Schedule 4 (2) enables the Board to prescribe General Provisions dealing with "buildings, structures, and erections," while Schedule 5 (1) empowers the Board to make regulations for dealing with "the details to be specified in plans, including, wherever the circumstances so require, the restriction on the number of buildings which may be erected on each acre and the height and character of those buildings."

Finally, Section 59 provides that compensation is not to be paid to any landowner in respect of such limitation of the intensive use of land for building purposes in the foregoing cases where the Local Government Board approve of the limitation as reasonable.

In addition to the General Provisions above mentioned **separate sets of general provisions** adapted for areas of any special character may be prescribed for carrying out the general objects of town planning schemes.

Taken in conjunction with Section 44 they amount to the making of new building byelaws suitable for the local conditions of special districts. (*See note under Byelaws.*)

Section 64 requires all General Provisions to be laid as soon as may be before Parliament, and makes the Rules Publication Act, 1893, applicable to such provisions as if they were statutory rules within the meaning of Section 1 of that Act, which provides—

- (a) Forty days' notice of the proposal to make Rules and of the place where the draft Rules may be obtained shall be published in the London Gazette.
- (b) During those forty days any public body may get copies at not more than 3d. per folio, and may make representations or suggestions in writing to the Central Authority, which at the expiration of the period may amend or confirm and put into operation such Rules, either forthwith or at such time as may be therein prescribed.

SPECIAL PROVISIONS.

Section 55 (2) provides for the insertion in every town planning scheme of special provisions which are to :—

- (1) Define the **area** to which the scheme is to apply.
- (2) Define the "**responsible authority**," i.e., the authority who are to be responsible for enforcing the scheme, and for the execution of works to be executed under the scheme by a local authority.
- (3) Provide for any matters which may be dealt with by General Provisions (see Schedule 4), and otherwise supplement, exclude, or vary those provisions.
- (4) Deal with any special circumstances or contingencies for which adequate provision is not made by the General Provisions.
- (5) Suspend so far as necessary for the proper carrying out of the scheme any statutory enactments, bye-laws, regulations or other provisions under whatever authority made, which are in operation in the area included in the scheme.

Suspension of Existing Bye-laws.—This power is of great importance since it will render possible valuable economies in estate development by giving power to suspend bye-laws relating

to width of road, character and method of road-making, construction of buildings and other development expenses. It is probable that these provisions will be largely used for bargaining with landowners to secure improved distribution of buildings, open spaces, &c., especially in connection with schemes submitted by owners.

Any special provision suspending any enactment contained in a public General Act is not to come into force unless a draft of it has been laid before each House of Parliament for a period of not less than forty days during the Session. If either House during that period presents an Address to the Crown against the proposed suspension, no further proceedings are to be taken on the draft, but without prejudice to the making of a new scheme.

HOW TO MAKE A TOWN PLAN.

The First Steps.—Before a local authority actually prepare a town planning scheme they must satisfy the Local Government Board that there is a *prima facie* case for making a scheme (Sec. 54 (2)) and (Schedule 5) and after making a formal application must receive an authorisation from them to prepare one. A like authorisation is required to enable a local authority to adopt a scheme proposed by all or any of the owners of any land which may be the subject of a scheme.

The time at which the application is made for authority to prepare a scheme is a very important matter, because no person will be entitled to compensation on account of any building erected on or contract made or other thing done with respect to land included in the scheme, except work done before the date of the approval of the scheme, for completing buildings begun or contracts entered into before the application was made (Sec. 58 (2)).

Before, however, making the application for authority to prepare a scheme, the local authority are required by the fifth Schedule to prepare plans and estimates, and provide for the publication of notices in such manner and to such extent as may be prescribed by the Board (Sec. 56 (1)). This requirement is likely to give rise to serious difficulties in regard to the making of speculative claims for compensation, owing to the possible delays putting it within the power of some persons to rush in new works or contracts so as to come within the proviso to Section 58 (2).

Provisions will be made by Local Government Board regulations for giving notice of the proposal to prepare a scheme at the earliest stage possible to any "Council interested in the land" (Sec. 56 (1) (b)). This expression will probably give a *locus standi* to **County Councils** to the extent of making suggestions, but as they are not "local authorities" under the Act, there will be room for a great deal of give and take if effective co-operation is to be

secured. Mention has already been made of the requirement as to co-operation with owners and other persons interested in the land at every stage of the proceedings, and no doubt the conferences, both with local authorities and owners, suggested by the Act will be among the earliest duties prescribed by the Regulations.

The various stages in the making of a Town Plan will be prescribed by Regulations of the Local Government Board, but may be summarised as follows :—

(1) **Decision of the local authority** to apply for permission to make a Town Plan.

(2) **Preparation of a prima facie case** for submission to the Local Government Board, involving—

(a) The collection of information as to existing conditions.

(b) A plan of the town showing existing features and the area or areas proposed to be dealt with under the scheme.

(c) Such other plans as the Local Government Board may require.

(d) Estimates of cost.

(3) **Publication of Notices**, to other councils and to persons interested in the land, of the proposals to prepare a scheme (or possibly after (7) as below).

(4) **Application** to the Local Government Board and probable holding of a preliminary enquiry by the Board concerning the need for action.

(5) **The authorisation** of the local authority, by the Local Government Board, to prepare a scheme in accordance with the General and Special Provisions as prescribed, including—

(a) Such co-operation, with the owners and other persons interested in the land, by conferences, and otherwise as may be required.

(b) The formation, if necessary, of a joint body of local authorities where the land to be planned is in the area of more than one local authority.

(6) **Preparation of the detailed scheme** with further plans and estimates.

(7) Submission of the proposed scheme to the Board.

(8) **Public Notice** of submission of proposed scheme to the Board.

(9) Hearing, probably at a public enquiry, of **objections and representations** by persons affected, including persons representing architectural or archæological societies, or otherwise interested in the amenity of the proposed scheme.

(10) **Publication of Notice** of intention to the Board to approve the scheme with or without modifications.

(11) **Lodging of Objections** thereto in the prescribed manner within a period of twenty-one days.

(12) **Provisional Order by Local Government Board** finally approving scheme if unopposed, which then has statutory effect.

(13) **In case of opposed scheme** the draft order laid before both Houses of Parliament for not less than thirty days during the session.

(14) (a) If neither House presents an address to His Majesty during that period against the draft or any part thereof the scheme takes statutory effect, but

(b) If either House presents such an address, no further proceedings may be taken thereon, without prejudice to the making of any new draft scheme.

Local Government Board enquiries as held under Section 85 of the Act of 1890, may be held in connection with Town Planning schemes, except that the limitation of the remuneration to the officer conducting the inquiry to three guineas a day is repealed (Sec. 63 and Schedule VI).

Under Section 54 (6) a **town planning scheme may be varied or revoked** by a subsequent scheme prepared or adopted and approved in accordance with the provisions already explained. Moreover, the Board are empowered, on the application of the "responsible authority" as that term is subsequently defined in Section 55 (2), or of any other person appearing to the Board to be interested, by order to revoke a scheme if they think that under the special circumstances of the case the scheme should be revoked.

HOW TO GET MONEY FOR TOWN PLANNING SCHEMES.

Under Section 65 (2) the expenses incurred by a local authority in connection with town planning are to be defrayed as expenses of the authority under the Public Health Acts, and local authorities are empowered to borrow, for town planning purposes, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts, except that the limitation on borrowing imposed by Section 234 (2) (3) of the Public Health Act, 1875, is not to apply to boroughs or urban districts for this purpose.

COMPENSATION.

Any person whose property is injuriously affected by the operation of a town planning scheme is to be entitled to claim compensation from the local authority within the prescribed time

not being less than three months after notice of the approval of the scheme is published (Sec. 58 (a)), and the amount shall, in default of some other agreed method, be determined by a single arbitrator appointed by the Local Government Board (Sec. 58). Similarly the **Local Authority may claim one-half the increase in value** of any property which is increased in value by the making of a Town Planning scheme (Sec. 58 (3)). In other words, the scheme will provide for adjustments, somewhat on the lines of the "Lex Adickes" at Frankfurt, as between the owner of one plot of land and the owner of another.

Any amount due for such compensation shall be recoverable summarily as a civil debt (Sec. 58 (5)).

In case a scheme is revoked by the Board any person who has incurred expenditure for the purpose of complying with the scheme is to be compensated for such expenditure as has been rendered abortive by the revocation (Sec. 58 (6)).

Where limitations of the number, height and character of buildings to be erected on land under a scheme **are not considered reasonable**, the Board will make provisions as to the extent to which these are to be the subject of compensation.

Exclusion or limitation of compensation in certain cases.

—No compensation will have to be paid in respect of the alleged injurious affectation of property by a Town Planning scheme so far as the provisions are "such as would have been enforceable if they had been contained in bye-laws made by the local authority" (Sec. 59 (1)).

The question of width of streets already mentioned has considerable bearing in this connection. It is important that the cost of making sufficiently wide streets in new areas shall not fall upon the ratepayers of the rest of the town.

During the last twelve years Liverpool has spent one and a quarter millions of money in widening existing streets. The new Liverpool Streets and Buildings Act is working very well. Under that measure all main roads in future are to be at least 80 feet wide, and the city has power to compel landowners to give the land for the purpose of 80 feet without compensation. If they require any wider road they are empowered to take what they want at the average price at which it then stood.

No compensation will have to be paid by reason of the making of any provisions inserted in a town planning scheme which with a view to securing the amenity of the area dealt with—

- (1) prescribe the space about buildings, or
- (2) limit the number of buildings to be erected, or
- (3) prescribe the height or character of buildings, and which the Local Government Board consider reasonable for the purpose having regard to the situation of the land affected.

No compensation is to be paid in respect of any matter or thing both under this Act and under another enactment, and no greater compensation is to be paid under the present Act than would be payable under another enactment in respect of the same matter or thing (Sec. 59 (3)).

HOW THE TOWN PLAN WILL BE CARRIED OUT.

The Responsible Authority.—Where land comprised in a scheme is wholly situate within the area of some one local authority that authority would naturally be nominated by the Board as the "Responsible Authority." Where land is in the area of more than one local authority, or is in the area of a local authority by whom the scheme was not prepared, the "Responsible Authority" may be—

- (a) one of these local authorities, or
- (b) for certain purposes of the scheme one local authority, and for certain purposes another local authority, or
- (c) a joint body specially constituted for the purpose with all necessary powers and duties conferred on them by the scheme.

Execution of Works.—The Responsible Authority are empowered by Section 57, after giving notice and in accordance with the provisions of the scheme, to

(1) Remove, pull down, or alter any building or other work in the area included in the scheme **which is such as to contravene the scheme**, or in the erection or carrying out of which any provision of the scheme has not been complied with ; or

(2) Execute any work which it is the express duty of any person to execute **under the scheme** in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme (Subsection 1). This does not enable the authority to execute works which it is made a person's duty to execute otherwise than by the scheme, or works which the scheme merely requires to be executed in a particular position, or in a particular way, if executed at all.

Subject to the provisions of the particular scheme it will not in all cases be necessary that the pulling down, &c., of existing buildings which contravene the scheme should take place at once after approval has been given to the scheme. This might involve needless expense where the development contemplated by the scheme did not take place immediately.

Any expenses incurred by a Responsible Authority under Section 57 will be recoverable from the persons in default in the manner and subject to the conditions provided by the scheme (Subsection 2).

How doubtful or disputed points will be determined.—

Any question that arises as to whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, is to be referred to the Board, and must, unless the parties otherwise agree, be determined by the Board as arbitrators, and the decision of the Board is made final and conclusive and binding on all persons (Sub-section 3).

It will be seen on reference to Section 62 that the provisions of the Regulation of Railways Act, 1868, and amending enactments, respecting arbitrations by the Board of Trade apply where the Board determine any matter as arbitrators. Under those provisions as thus made applicable, the Board can appoint an arbitrator to act for them, a course which they would usually follow as regards cases arising under Section 57.

PRACTICAL SUGGESTIONS FOR MUNICIPAL ACTION.

The National Housing Reform Council have held a series of Town Planning Conferences at which they have had the assistance of the most experienced town planning authorities in foreign countries, as well as representatives of the leading Municipalities, Housing Societies, and Architectural Associations in this country, and the following suggestions made during these conferences are well worthy of consideration :—

(1) **Every local authority should at once appoint a preliminary Town Planning Committee** for the purpose of collecting information as to existing conditions. Wherever practicable, a limited number of leading citizens specially qualified to give advice and information should be invited to assist the Committee. It is also of vital importance that skilled advisers should be called in to confer with the Committee. These skilled advisors in co-operation with the officers of the local authority should be entrusted with the task of

- (a) preparing a brief statement of the actual line of town development and traffic tendencies in the past ;
- (b) giving technical advice as to the best methods by which the proposals of the Committee can be realised ; and
- (c) preparing a series of alternative plans giving simply the main lines of possible and desirable development ;
- (d) preparing a complete plan of the existing town showing such features as parks, recreation grounds, open spaces, cemeteries, unoccupied land, allotment gardens, residential, trading, and manufacturing districts, with the houses erected during the last fifteen to twenty years. Such a graphic record of past developments will show the town's natural tendency and growth. A contour model of the town and its surroundings will be very valuable.

(2) The **Prima Facie Case** should be based upon full consideration of the following points :—

- (a) **The Area** or areas to be covered by the Town Plan.
- (b) **The Local Authorities** with whom it is desirable to take joint action, *i.e.*, the Council of the town and the Council or Councils of adjoining Urban or Rural Districts.
- (c) **A System of Trunk Roads** to meet the requirements of present and future trade traffic should be considered by Local Authorities, or groups of Local Authorities, who should first carefully ascertain the direction of the lines of their heavy traffic, particularly by mechanical traction. They should take due precautions whilst preparing that plan, to have connecting trunk roads to form the most convenient means of communication for traffic purposes, throughout the whole of the area shown upon their Town Plan. They should further endeavour to arrange that these trunk roads shall connect with the existing, or projected trunk roads, of the adjoining districts who may contemplate or be actually engaged upon a Town Plan.
- (d) **The Standard** of planning desirable in the interests of the community should be definitely determined before meeting or conferring with landowners, so that a proper compromise may be arrived at as to what is possible without sacrificing any vital interest or involving any unnecessary expense.
- (e) **The Objects** to be aimed at in the plan which should include one or more of the following matters :—
 - (i) The extent to which the Town Plan shall allocate special districts for special purposes, and the difference in methods of planning necessary for manufacturing districts, trading districts, and residential districts.
 - (ii) The extent to which the town plan shall define the roads in the unbuilt on areas which will be included in the town plan, *e.g.*, as to whether the method of outlining every street shall be adopted, or the method of defining the main arterial roads leaving the detailed planning of the areas to be determined later.
 - (iii) The extent to which sites for public buildings, open spaces, playgrounds and parks can be provided in the new districts, and the preservation of places of beauty or of historic interest.
 - (iv) The conditions of planning under which roadways and footpaths of less costly construction and the abolition of back streets and roadways can be permitted, *e.g.*, by the planning of purely residential streets in which the traffic facilities needed will be so slight as to render possible great economies in road and footpath construction. The practicability of adopting a system of non-traffic streets in purely residential areas should also be fully considered.

- (v) The arrangement of the houses of various classes so that they are not rigidly divided but have equal access to the amenities to be provided.
- (vi) The limitation of the number of houses per acre and the extent to which economies in road and footpath making may be permitted in consideration of the provision by owners of larger areas for gardens on any side of the dwellings and of open spaces.

(3) **The preparation of the Town Plan** should be entrusted to at least two experts—representing the architectural and engineering sides—and throughout they should act in collaboration with the Borough Surveyor and Medical Officer of Health. The 1—2,500 Ordnance Maps might be utilised in the first instance.

(4) **Cost of a Town Planning Scheme.**—The cost of town planning schemes may be dealt with under two heads, viz. :—

- (i) The technical cost of preparing a town plan ; and
- (ii) The cost of carrying a town planning scheme into effect as relating to (a) land for roads ; (b) cost of road-making ; (c) cost of wide boulevards, open spaces, &c. ; and (d) the distribution of cost of planning between a number of owners of small plots of land.

The first and last technical cost of preparing a German town planning scheme—apart from the work of survey—is about 8s. per acre of land dealt with in the town extension plan.

The cost of the " general idea " plan is in Germany from 2s. to 2s. 6d. per acre.

The cost of carrying a scheme into effect is—as far as normal roads are concerned—nothing—beyond the cost of municipal oversight.

German Town Councils are safeguarded by the Act of 1875 against claims for compensation for land and cost of road-making so long as the road does not exceed 85 feet in width. All cases in which this width is exceeded are dealt with on their merits, and in most cases the municipal authorities are successful in inducing the owners to give the additional land and to pay the cost of extra road-making.

In order to keep the issue quite clear, the fact that German Councils in most cases make the streets has not been mentioned above, as the Councils collect from the owners of sites this cost of road-making as soon as the sites are covered, the fact, however, remains that the owners give the land free and pay all the cost of road-making.

(5) Streets and Roads.

In future the land for all normal roads authorised in town planning schemes should be provided, and the cost of road-making borne by the owners of adjoining land and not by the ratepayers, and that local authorities should have the power to require land to be given up to a maximum width of 80 feet for main arterial roads, and further to require the carrying out by the owners of road works to a width of 50 feet, or such other minimum width not less than 50 feet, as local authorities are entitled to require under their local Acts or byelaws, or in practice have obtained.

Provision should be made in town planning schemes for secondary or non-traffic streets, or by-roads to be made of less width than that allowed under the byelaws, provided that the building lines on the opposite sides of such streets or roads be not less than 50 feet apart.

Provision should be made in town planning schemes for the building line to be defined (as in the Hampstead Act) and sufficient land dedicated in order that for future widening land may be taken by the local authority without compensation for constructing a road not exceeding 80 feet in width.

In the final stage, viz., that of the public enquiry, the help of leading citizens should be again enlisted for the purpose of giving evidence as to the great desirability of the amenities which it is proposed should be secured for the community by means of the town plan. At this stage of the proceedings the Council should have the warm support of all those who desire to secure the proper growth of the town. The need for this expression of the right civic spirit by leading citizens outside the City Council will be specially great during the first five years of the administration of the new Act, for in these years the tradition which will govern the practice for the next thirty years will be created.

PART III.

COUNTY COUNCILS. NEW POWERS AND DUTIES.

County Councils have several new powers and duties cast upon them by the new Act, and practically the only existing duty taken away from them is that which required them to give their consent to a Rural District Council wishing to provide new houses for the working classes (Sec. 55, Act of 1890). This consent is no longer required (Sec. 1, Act of 1909).

COUNTY MEDICAL OFFICERS OF HEALTH.

County Councils must now appoint a County Medical Officer of Health under Section 17 of the Local Government Act of 1888, on the following conditions (Sec. 68, Act of 1909) :—

- (a) The duties of the County Medical Officer must be as prescribed by general order of the Local Government Board, in addition to those assigned to him by the County Council.
- (b) He shall have the same powers of entry as a district medical officer.
- (c) He shall not be appointed for a limited period only.
- (d) He shall not be removable except with the consent of the Local Government Board.
- (e) He shall not engage in private practice.
- (f) He shall have power to require information from any district medical officer of health of the county for the purpose of his prescribed duties (Sec. 69).

Any order prescribing the duty of County Medical Officers of Health must be communicated to the County Councils and laid before Parliament. If an Address is presented within twenty-one days the order may be annulled (Sec. 68 (8)).

Under Section 24 (2) (8) of the Local Government Act, 1888, County Councils must charge to their Exchequer Contribution Account one-half the salary of the District Medical Officers of Health and one-half of that of the Inspectors of Nuisances (Act of 1888, Sec. (24) (2) (8)).

On March 31st, 1909, there were thus paid :—

		Medical Officers of Health.		Inspectors.
London	..	30	..	329
Rural	506	..	609
Urban	906	..	939
Port	43	..	44
Sec. 191 { P.H.A.	Combined Rural	97	..	3
,"	Urban	82	..	10
Sec. 256 { P.H.A.	," Rural	37	..	—
,"	Urban	28	..	0
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Where the District Council is in default the Local Government Board may, with the consent of the County Council, make an order directing the County Council to act (Sec. 10 (3) (4)).

County Councils may hold local enquiries in rural districts where the Parish Council or Parish Meeting or four inhabitant householders complain that cottages have not been, or are not being provided by the District Council under Part III of the principal Act where they ought to have been provided, and if satisfied that the District Council has been in default the County Council may **resolve that the powers of the District Council** with respect to either the whole or any parish in the district, shall be transferred to the County Council (Sec. 12).

They may make complaint as to default of Urban or Rural District Councils under Parts II or III of the principal Act (Sec. 10 (1)).

In addition to the possibilities under the foregoing section, much good work may be done by County Councils under Section 13, which empowers them to **apply to the Local Government Board for concurrent powers** to enable them to buy land and build dwellings for the working classes. The expenses in such a case are to be defrayed as expenses for general county purposes. The cottages when completed may be transferred to the District Council on agreed terms and conditions.

Every County Council must at once establish a **Public Health and Housing Committee** to which all appropriate public health and housing work in the county, except the power of raising a rate or borrowing money will stand referred (Sec. 71).

Under Section 72 every County Council may promote the formation or extension of **Building Societies on a Co-operative basis**, and may make or guarantee grants or advances to such societies to the extent of two-thirds of the value of the property which is the security for the money in question.

County Councils and Town Planning.—As already mentioned, notice of proposals to prepare or adopt Town Planning schemes will be given at the earliest stage possible to the County Council (Sec. 56 (2) (b)). The County Council may probably make a representation on default of a Local Town Planning Authority (Sec. 61 (1) (2)), but it is not a local authority under the Act.

RURAL DISTRICT COUNCILS.

The following Report of the Hitchin Rural District Council upon the Housing and Town Planning Act, 1909, is reproduced in full as an excellent example of how to bring the Act into operation in Rural Districts.

The Act contains important provisions which may be grouped roughly under three heads :—

1. The provision of dwellings for the working classes.
2. The improvement of existing dwellings.
3. Town Planning.

I.

Part III of the Housing of the Working Classes Act, 1890, which has hitherto only been applied to Rural Districts by consent of the County Council after elaborate procedure, is now applied to Rural District Councils generally. This makes it their duty to provide housing accommodation for the working classes, where such accommodation is not likely to be met by private enterprise, when it can be done without unduly burdening the rates.

The maximum term for repayment of loans is extended to 80 years and the rate of interest is reduced to the minimum rate for the time being (now $3\frac{1}{2}$ per cent.). The Act simplifies the acquisition of land by giving the Local Government Board power to make an Order for compulsory acquisition, without going through the long and expensive process of obtaining a Provisional Order and getting the same confirmed by Parliament. In case of objection the Local Government Board will hold an inquiry from which Counsel and expert witnesses are excluded unless the Local Government Board otherwise direct. No additional allowance is to be made for compulsory purchase.

Under the new conditions, we are of opinion, that it will still be impossible to build cottages, which can be let at rents within the means of the ordinary agricultural labourer, without some loss. From calculations we have made we estimate that cottages, built at a cost of £175 each including the land, for groups of four, would pay expenses if let at a weekly rent of 3s. 6d. each. The cost would naturally depend on the price of the land, the style of the cottages, and the number built.

The Local Government Board in their circular letter recite that there was a large volume of evidence before the Select Committee, in 1906, to the effect that there was urgent need for action with regard to housing accommodation in many Rural Districts, and that the Select Committee endorsed that view.

Your Committee recommend that each Parish Council and Parish Meeting in the district should be asked to express an opinion whether there is any pressing need for housing accommodation within their Parish that is not likely to be met by private enterprise. The result of this inquiry, supplemented by the knowledge of the individual Councillors and their officers, will enable the Council to judge the need for action. The Parish Councils and Parish meetings are the appropriate bodies to approach as they have under the Act the power to complain to the Local Government Board that the Council are in default.

Provision is also made for the intervention of the Local Government Board in cases of default, and for transferring the powers in respect of housing to the County Council in like cases. The expenses of a Rural District Council under this part of the Act are to be raised as part of the general expenses of the district unless otherwise ordered by the Local Government Board.

II.

Under Sec. 14 and 15, there will be an implied covenant in the letting for habitation of houses at rents not exceeding £16 (with some exceptions) that the houses are and will be kept reasonably fit for human habitation. The Council is given special power to inspect such houses and to compel the landlords to execute whatever work is necessary to put them into a condition to comply with the covenant.

The Local Government Board express the hope that the Councils will not hesitate to use their powers under this Section.

Section 17 makes it the duty of every Council to have their District inspected from time to time for the purpose of ascertaining whether any dwelling house therein is in a state so dangerous or injurious to health as to be unfit for human habitation.

Your Committee recommend that the Council's Inspector of Nuisances be instructed to make a systematic inspection of the district under this Section, and to submit the records of his inspection to each meeting.

Should any such dwelling houses be reported, they can then be dealt with under the Act which simplifies and strengthens the existing procedure for closing or pulling down such houses if they are not made fit for human habitation.

Closing Orders will in future be made by the Council without recourse to the Magistrates. No definite procedure is prescribed but it is presumed that no such order will be made without giving all persons interested a full hearing. The Act enables the Council to make any tenant an allowance, recoverable from the owner by the Council, for his expenses of removal.

The Council will it is apprehended use their powers under Secs. 14 and 15 whenever possible in preference to the power of closing and demolition under Secs. 17 and 18, because the latter involves the removal of tenants and possible demolition and therefore tends to accentuate any want of housing accommodation.

III.

A town planning scheme may be made for any land which is in course of development or appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in the laying out and use of the land, and of any neighbouring lands.

The Local Government Board may authorise a Council to prepare a scheme where a *prima facie* case is established, or to adopt with or without

modifications any such scheme proposed by the owners of the lands in question. Every scheme must be approved by Order of the Local Government Board, and when approved is to have the effect of an Act of Parliament.

"Land likely to be used for building purposes" is to include any land likely to be used as or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds. The Local Government Board are to make a set of General Provisions with regard to streets, roads, stopping up and diversion of highways, building, open spaces, sewerage and sewage disposal, lighting, water supply, and other matters.

Section 56 provides for securing the co-operation by means of conference between the local authority and the persons interested in the land. Secs. 58 and 59 deal with the compensation to persons injuriously affected by any scheme.

The Local Government Board in their circular letter say that:—

"Hitherto the conflicting interests of different owners and the absence "of any power in the local authority to guide and control development according to the circumstances and requirements of particular cases has resulted to a considerable extent in the development of estates, whether large or small, with a sole regard to the immediate interests of the particular estate and without regard to the amenity "and convenience of neighbouring lands."

"Nor can the landowners be generally blamed for what has taken place. Their powers have in the past been practically limited to their own estates, and local circumstances connected with the interests of owners of neighbouring properties have often hindered development in the direction most in harmony with the interests of the community."

"The Board trust that Councils in whose districts signs of development are visible will give very full consideration to the opportunities which the Act offers of guiding and controlling that development for the benefit of the community, and that in so doing they will bear in mind the heavy burden which has fallen on the ratepayers of many districts in the past in remedying defects of the kind which it is now in their power to prevent."

Your Committee will no doubt be expected to indicate in some measure how far these provisions are of practical importance in this district. There are only three areas which shew sufficient signs of development to warrant any thought of Town Planning for the time being, viz.: **Letchworth, Knebworth, and Walsworth.**

The first of these is in itself a pioneer scheme in Town Planning, and it would in the opinion of your Committee be advisable to consult with the Local Government Board and the Company before coming to any conclusion.

Knebworth presents special difficulties because it is situate in three parishes and two rural districts, and the Committee leave the Council to consider whether it would be advisable to confer with the owner and the other District Council as to the desirability of submitting a scheme of the Local Government Board.

Walsworth.—Your Committee think that the Council should consult with the Local Government Board and confer with the owners of property interested before coming to any decision.

GENERAL PROVISIONS.

There are many matters incidental to the foregoing, to which it has not been necessary to allude in this report.

Signed, **NEVILLE J. HINE.**

E. R. DAVIS.

M. H. FOSTER.

H. CLAPHAM LANDER.

A. E. PASSINGHAM, Clerk.

THE A.B.C. OF THE HOUSING AND TOWN PLANNING ACT.

The following alphabetical index to the various sections of the Housing and Town Planning Act will be useful as a guide to the text.

Matters relating specially to the Local Government Board have been separately arranged under that heading, and the more important provisions have been previously dealt with in the foregoing summary of the Act.

Acts relating to nuisances (Scotland) repealed, 53 (8).

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Archæological Societies and town planning schemes, Schedule V (2) (c).

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Agreement, land purchaseable by (Sec. 2).

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Demolition Orders will automatically follow closing orders after three months, 18 (1); but operation may be postponed, 18 (3); notice must be given, 18 (4); and the order may be appealed against, 18 (4).

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HOUSING, TOWN PLANNING, &c., ACT., 1909.

ARRANGEMENT OF SECTIONS.

PART I.

HOUSING OF THE WORKING CLASSES.

FACILITIES FOR ACQUISITION OF LANDS AND OTHER PURPOSES OF THE HOUSING ACTS.

Section

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An Act to amend the law relating to the housing of the working classes, to provide for the making of town planning schemes, and to make further provision with respect to the appointment and duties of county medical officers of health, and to provide for the establishment of public health and housing committees of county councils. (3rd December, 1909).

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

HOUSING OF THE WORKING CLASSES.

Facilities for Acquisition of Lands and other Purposes of the Housing Acts.

Part III of principal Act to take effect without adoption.

1. Part III of the Housing of the Working Classes Act, 1890 (in this Part of this Act referred to as the principal Act), shall, after the commencement of this Act, extend to and take effect in every urban or rural district, or other place for which it has not been adopted, as if it had been so adopted.

Compulsory acquisition of land under Part III.

2.—(1) A local authority may be authorised to purchase land compulsorily for the purposes of Part III of the principal Act, by means of an order submitted to the Local Government Board and confirmed by the Board in accordance with the First schedule to this Act.

(2) The procedure under this section for the compulsory purchase of land shall be substituted for the procedure for the same purpose under section 176 of the Public Health Act, 1875, as applied by subsection (1) of section 57 of the principal Act.

Local authorities may buy and hold land for future needs if purchased by agreement.

(3) A local authority may, with the consent of and subject to any conditions imposed by the Local Government Board, acquire land by agreement for the purposes of Part III of the principal Act, notwithstanding that the land is not immediately required for those purposes.

Loans by Public Works Loan Commissioners to local authorities.

3. Where a loan is made by the Public Works Loan Commissioners to a local authority for any purposes of the Housing Acts—

(a) The loan shall be made at the minimum rate allowed for the time being for loans out of the Local Loans Fund; and

- (b) If the Local Government Board make a recommendation to that effect, the period for which the loan is made by the Public Works Loan Commissioners may exceed the period allowed under the principal Act or under any other Act limiting the period for which the loan may be made, but the period shall not exceed the period recommended by the Local Government Board, nor in any case eighty years; and
- (c) As between loans for different periods, the longer duration of the loan shall not be taken as a reason for fixing a higher rate of interest.

Loans by Public Works Loan Commissioners to public utility societies.

4.—(1) Where a loan is made by the Public Works Loan Commissioners under section 67, subsection 2 (d), of the principal Act, to a public utility society, the words "two-thirds" shall be substituted for the words "one moiety."

(2) For the purposes of this section a public utility society means a society registered under the Industrial and Provident Societies Act, 1893, or any amendment thereof, the rules whereof prohibit the payment of any interest or dividend at a rate exceeding five pounds per centum per annum.

Payment of purchase or compensation money as Local Government Board may determine.

5.—(1) Any purchase money or compensation payable in pursuance of the Housing Acts by a local authority in respect of any lands, estate, or interest of another local authority which would, but for this section, be paid into court in manner provided by the Lands Clauses Acts or by paragraph (20) of the Second Schedule to the principal Act may, if the Local Government Board consent, instead of being paid into court, be paid and applied as the Board determine.

(2) Any such decision of the Board as to the payment and application of any such purchase money or compensation shall be final and conclusive.

Provision of public streets in connection with Part III schemes.

6. Any local authority in connection with the exercise by them of their powers under Part III of the principal Act may lay out and construct public streets or roads on any land acquired or appropriated by them for the purpose of that Part of that Act or contribute towards the cost of the laying out and construction of any streets or roads on any such land by other persons on the condition that those streets or roads are to be dedicated to the public.

Expenditure of money for housing purposes in case of settled land.

7.—(1) The following paragraph shall be substituted for paragraph (b) of subsection (1) of section 74 of the principal Act:—

(b) The improvements on which capital money arising under the Settled Land Act, 1882, may be expended, enumerated in section 25 of the said Act and referred to in section 30 of the said Act, shall, in addition to cottages for labourers, farm servants, and artisans, whether employed on the settled land or not, include the provision of dwellings available for the working classes, either by means of building new buildings or by means of the reconstruction, enlargement, or improvement of existing buildings, so as to make them available for the purpose, if that provision of dwellings is, in the opinion of the court, not injurious to the estate or is agreed to by the tenant for life and the trustees of the settlement.

(2) The provision by a tenant for life, at his own expense, of dwellings available for the working classes on any settled land, shall not be deemed to be an injury to any interest in reversion or remainder in that land; provided that the powers conferred upon a tenant for life by this subsection shall not be exercised by him without the previous approval in writing of the trustees of the settlement.

Donations for housing purposes.

8. A local authority may accept a donation of land or money or other property for any of the purposes of the Housing Acts, and it shall **not be necessary to enrol any assurance** with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

Local Government Board may intervene in dealing with trusts for housing purposes.

9.—(1) If in any case it appears to the Local Government Board that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any **trusts for the provision of dwellings available for the working classes**, or that the expediting of any such legal proceedings is requisite or desirable, the Board may certify the case to the Attorney-General, and the Attorney-General, if he thinks fit, shall institute any legal proceedings or **intervene in any legal proceedings** already instituted in such manner as he thinks proper under the circumstances.

(2) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of dwellings available for the working classes the court or body who are responsible for making the scheme shall **communicate with the Local Government Board** and receive and consider any recommendations made by the Board with reference to the proposed scheme.

Powers of Enforcing Execution of Housing Acts.

Power of Local Government Board on Complaint to Enforce Exercise of Powers.

10.—(1) Where a complaint is made to the Local Government Board :—

- (a) **as respects any rural district** by the council of the county in which the district is situate, or by the parish council or parish meeting of any parish comprised in the district, or by any four inhabitant householders of the district ; or
- (b) **as respects any county district** not being a rural district by the council of the county in which the district is situated, or by four inhabitant householders of the district ; or
- (c) **as respects the area of any other local authority** by four inhabitant householders of the area ;

that the local authority have failed to exercise their powers under Part II or Part III of the principal Act in cases where those powers ought to have been exercised, the Board may cause a **public local inquiry to be held**, and if after holding such an inquiry, the Board are satisfied that there has been such a failure on the part of the local authority, the Board may declare the authority to be in default, and may make an order directing that authority, within a time limited by the order, to carry out such works and do such other things as may be mentioned in the order for the purpose of remedying the default.

(2) Before deciding that a local authority have failed to exercise their powers under Part III of the principal Act, the Board shall take into consideration the necessity for further accommodation for the housing of the working classes in such district, the probability that the required accommodation will not be otherwise provided, and the other circumstances of the case, and whether having regard to the liability which will be incurred by the rates, it is prudent for the local authority to undertake the provision of such accommodation.

(3) Where an order originally made under this section on the council of a county district is not complied with by that council, the Local Government Board may, if they think fit, with the consent of the county council, instead of enforcing that order against the council of the county district, make **an order directing the county council to carry out any works** or do any other things which are mentioned in the original order for the purpose of remedying the default of the district council.

(4) Where the Board make an order under this section directing a county council to carry out any works or do any other thing, the order may, for the purpose of enabling the county council to give effect to the order, apply any of the provisions of the Housing Acts or of section 63 of the Local Government Act, 1894, with such modifications or adaptations (if any) as appear necessary or expedient.

(5) An order made by the Local Government Board under this section shall be laid before both Houses of Parliament as soon as may be after it is made.

(6) Any order made by the Local Government Board under this section may be enforced by mandamus.

Power of Local Government Board to order schemes, &c., to be carried out within a limited time.

11.—(1) Where it appears to the Local Government Board that a local authority

- (a) have failed to perform their duty under the **Housing Acts of carrying out an improvement scheme** under Part I of the principal Act; or
- (b) have failed to give effect to any order as respects an obstructive building; or
- (c) to a reconstruction scheme, under Part II of that Act; or
- (d) have **failed to cause to be made the inspection of their district** required by this Act, the Board may make an order requiring the local authority to remedy the default and to carry out any works or do any other things which are necessary for the purpose under the Housing Acts within a time fixed by the order.

(2) Any order made by the Local Government Board under this section may be enforced by mandamus.

Powers of county council to act in default of rural district council under Part III of the principal Act.

12. Where a complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any four inhabitant householders of that district, the county council may cause a public local inquiry to be held, and if, after holding such an inquiry, the county council are satisfied that the **rural district council have failed to exercise their powers under Part III of the principal Act**, in cases where those powers ought to have been exercised, the county council may resolve that the powers of the district council for the purposes of that Part be transferred to the county council with respect either to the whole district or to any parish in the district, and those powers shall be transferred accordingly, and, subject to the provisions of this Act, section 63 of the Local Government Act, 1894, shall apply as if the powers had been transferred under that Act.

Concurrent powers of county council in rural districts under Part III.

13.—(1) Where the council of a county are of opinion that for any reason it is expedient that the council should exercise, as respects any rural district in the county, any of the powers of a local authority under Part III of the principal Act, the council, after giving notice to the council of the district of their intention to do so, may apply to the **Local Government Board for an order** conferring such powers on them.

(2) Upon such an application being made, the Board may make an order conferring on the county council as respects the rural district all or any of the powers of a local authority, under Part III of the principal Act, and thereupon the provisions of the Housing Acts relating to those powers (including those enabling the Public Works Loan Commissioners to lend, and fixing the terms for which money may be lent and borrowed) shall

apply as if the council were a local authority under Part III of the principal Act: Provided that the expenses incurred by the county council under any such order shall be defrayed as expenses for general county purposes.

(3) Where, under any such order, the county council have executed any works in a rural district they may transfer the works to the council of that district on such terms and subject to such conditions as may be agreed between them.

KEEPING HOUSES IN REPAIR.

Houses under certain rentals when let must be reasonably fit for habitation.

14. In any contract made after the passing of this Act for letting for habitation a house or part of a house at a rent not exceeding:—

(a) in the case of a house situate in the administrative county of London, forty pounds;

(b) in the case of a house situate in the borough or urban district with a population according to the last census for the time being of fifty thousand or upwards, twenty-six pounds;

(c) in the case of a house situate elsewhere, sixteen pounds;

there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation, but the condition aforesaid shall not be implied when a house or part of a house is let for a term of not less than three years upon the terms that it be put by the lessee into a condition reasonably fit for occupation, and the lease is not determinable at the option of either party before the expiration of that term.

Certain houses let after the passing of this Act must be kept in repair.

15.—(1) The last foregoing section shall, as respects contracts to which that section applies, take effect as if the condition implied by that section included an undertaking that the house shall, during the holding, be kept by the landlord in all respects reasonably fit for human habitation.

Entry of such houses for inspection.

(2) The landlord or the local authority, or any person authorised by him or them in writing, may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any house, premises, or building to which this section applies for the purpose of viewing the state and condition thereof.

The local authority may specify work to be done where such houses are not reasonably fit for habitation.

(3) If it appears to the local authority within the meaning of Part II of the principal Act that the undertaking implied by virtue of this section is not complied with in the case of any house to which it applies, the authority shall, if a closing order is not made with respect to the house, by written notice require the landlord, within a reasonable time, not being less than twenty-one days, specified in the notice, to execute such works as the authority shall specify in the notice as being necessary to make the house in all respects reasonably fit for human habitation.

(4) Within twenty-one days after the receipt of such notice the landlord may by written notice to the local authority declare his intention of closing the house for human habitation and thereupon a closing order shall be deemed to have become operative in respect of such house.

Local authority may execute works in default of owner and recover cost from landlord.

(5) If the notice given by the local authority is not complied with, and if the landlord has not given the notice mentioned in the immediately preceding subsection, the authority may, at the expiration of the time specified in the notice given by them to the landlord, do the work required to be done and recover the expenses incurred by them in so doing from the land-

lord as a civil debt in manner provided by the Summary Jurisdiction Acts, or, if they think fit, the authority may by order declare any such expenses to be payable by annual instalments within a period not exceeding that of the interest of the landlord in the house nor in any case five years, with interest at the rate not exceeding five pounds per cent. per annum until the whole amount is paid, and any such instalments or interest or any part thereof may be recovered from the landlord as a civil debt in manner provided by the Summary Jurisdiction Acts.

(6) A landlord may appeal to the Local Government Board against any notice requiring him to execute works under this section, and against any demand for the recovery of expenses from him under this section or order made with respect to those expenses under this section by the authority, by giving notice of appeal to the Board within twenty-one days after the notice is received, or the demand or order is made, as the case may be, and no proceedings shall be taken in respect of such notice requiring works, order or demand, whilst the appeal is pending.

Definition of landlord.

(7) In this section, the expression "landlord" means any person who lets to a tenant for habitation the house under any contract referred to in this section, and includes his successors in title, and the expression "house" includes part of a house.

Service of notices.

(8) Sections 49 and 50 of the principal Act, as amended by section 13 of the Housing of the Working Classes Act, 1903 (which relate to the service of notices and the description of owner in proceedings), shall apply for the purposes of this section, with the substitution, where required, of the landlord for the owner of a dwelling-house.

Remedy in addition to others.

(9) Any remedy given by this section for non-compliance with the undertaking implied by virtue of this section, shall be in addition to and not in derogation of any other remedy available to the tenant against the landlord, either at common law or otherwise.

Extension of power of making byelaws with respect to lodging houses for the working classes.

16.—(1) The power of making and enforcing byelaws under section 90 of the Public Health Act, 1875, and section 94 of the Public Health (London) Act, 1891, with respect to houses or parts of houses which are let in lodgings or occupied by members of more than one family, shall, in the case of houses intended for the working classes, extend to the making and enforcing of byelaws imposing any duty (being a duty which may be imposed by the byelaws and which involves the execution of work) upon the owner within the meaning of the said Acts, in addition to or in substitution for any other person having an interest in the premises, and prescribing the circumstances and conditions in and subject to which any such duty is to be discharged.

(2) For the purpose of discharging any duty so imposed the owner or other person may at all reasonable times enter upon any part of the premises, and section 51 of the principal Act shall apply as if for the reference to the reference to the provisions of Part II of that Act there were substituted a reference to the provisions of such byelaws, and as if the person on whom such duty is imposed were the owner and any inmate of the premises were the occupier of a dwelling-house.

Local authority may do work and recover the cost from any defaulting owners.

(3) Where an owner or other person has failed to execute any work which he has been required to execute under the byelaws, the local authority or sanitary authority, as the case may be, may, after giving to him not less than twenty-one days' notice in writing, themselves execute the works and

recover the costs and expenses, and for that purpose the provisions of subsection (5) of the last foregoing section, with respect to the execution of works and the recovery of expenses by local authorities, shall apply as if the owner or other person were the landlord, and with such other adaptations as may be necessary.

CLOSING ORDERS.

Duty of local authority and officers to keep records of inspection.

17.—(1) It shall be the duty of every local authority within the meaning of Part II of the principal Act to cause to be made from time to time inspection of their district, with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation, and for that purpose it shall be the duty of the local authority and of every officer of the local authority to comply with such regulations and to keep such records as may be prescribed by the Board.

Local authority may themselves make closing orders.

(2) If on the representation of the medical officer of health, or of any other officer of the authority, or other information given, any dwelling-house appears to them to be in such a state, it shall be their duty to make an order prohibiting the use of the dwelling-house for human habitation (in this Act referred to as a closing order) until in the judgment of the local authority the dwelling-house is rendered fit for that purpose.

Owner may appeal to Local Government Board against closing order.

(3) Notice of a closing order shall be forthwith served on every owner of the dwelling-house in respect of which it is made, and any owner aggrieved by the order may appeal to the local Government Board by giving notice of appeal to the Board within fourteen days after the order is served upon him.

Removal of tenants from houses under closing orders.

(4) Where a closing order has become operative, the local authority shall serve notice of the order on every occupying tenant of the dwelling-house in respect of which the order is made, and, within such period as is specified in the notice, not being less than fourteen days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable on summary conviction to be ordered to quit the dwelling-house within such time as may be specified in the order.

Expenses of removal of tenants allowed at cost of owner.

(5) Unless the dwelling-house has been made unfit for habitation by the wilful act or default of the tenant or of any person for whom as between himself and the owner or landlord he is responsible, the local authority may make to every such tenant such reasonable allowance on account of his expense in removing as may be determined by the local authority with the consent of the owner of the dwelling house, or, if the owner of the dwelling-house fails to consent to the sum determined by the local authority, as may be fixed by a court of summary jurisdiction, and the amount of the said allowance shall be recoverable by the local authority from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

Power to determine closing orders.

(6) The local authority shall determine any closing order made by them if they are satisfied that the dwelling-house in respect of which the order has been made has been rendered fit for human habitation.

Appeal to Local Government Board to determine a closing order.

If on the application of any owner of a dwelling-house, the local authority refuse to determine a closing order, the owner may appeal to the Local Government Board by giving notice of Appeal to the Board within fourteen days after the application is refused.

Certain cellar dwellings to be deemed unfit for human habitation.

(7) A room habitually used as a sleeping place, the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, shall for the purposes of this section be deemed to be a dwelling-house so dangerous or injurious to health as to be unfit for human habitation, if the room either—

- (a) is not on an average at least seven feet in height from floor to ceiling ; or
- (b) does not comply with such regulations as the local authority with the consent of the Local Government Board may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation ; Provided that if the local authority, after being required to do so by the Local Government Board, fail to make such regulations, or such regulations as the Board approve, the Board may themselves make them, and the regulations so made shall have effect as if they had been made by the local authority with the consent of the Board :

Exemptions from closing order under certain conditions.

Provided that a closing order made in respect of a room to which this subsection applies shall not prevent the room being used for purposes other than those of a sleeping place ; and that, if the occupier of the room after notice of an order has been served upon him fails to comply with the order, an order to comply therewith may, on summary conviction, be made against him.

Exemption of cellar dwellings from having demolition order automatically following on closing order.

This subsection shall not come into operation until the first day of July nineteen hundred and ten, and a closing order made in respect of any room to which this subsection applies shall not be treated as a closing order in respect of a dwelling-house for the purposes of the next succeeding section.

DEMOLITION ORDERS.

18.—(1) Where a closing order in respect of any dwelling-house has remained operative for a period of three months, the local authority shall take into consideration the question of the demolition of the dwelling-house, and shall give every owner of the dwelling-house notice of the time (being some time not less than one month after the service of the notice) and place at which the question will be considered, and any owner of the dwelling-house shall be entitled to be heard when the question is so taken into consideration.

(2) If upon any such consideration the local authority are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building being or being part of the dwelling-house is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-house they shall order the demolition of the building.

Postponement of operation of demolition order.

(3) If any owner undertakes to execute forthwith the works necessary to render the dwelling-house fit for human habitation, and the local authority consider that it can be so rendered fit for human habitation, the local authority may, if they think fit, postpone the operation of the order for such time not exceeding six months as they think sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Appeal by owner against demolition order.

(4) Notice of an order for the demolition of a building shall be forthwith served on every owner of the building in respect of which it is made, and any owner aggrieved by the order may appeal to the Local Government Board by giving notice of appeal to the Board within twenty-one days after the order is served upon him.

Power to redeem annuities charged by charging order under s. 36 of the principal Act.

19. An owner of or other person interested in a dwelling-house on which an annuity has been charged by a charging order made under section 36 of the principal Act (which relates to the grant of charges) shall at any time be at liberty to redeem the annuity on payment to the person entitled to the annuity of such sum as may be agreed upon, or in default of agreement determined by the Local Government Board.

Provision as to priority of charges under s. 37 of the principal Act.

20. The charges excepted in subsection (1) of section 37 of the principal Act (which relates to the incidence of charges) shall include charges on the dwelling-house created or arising under any provision of the Public Health Acts, or under any provision in any local Act authorising a charge for recovery of expenses incurred by a local authority.

Magistrates may not enlarge the time allowed under a closing or demolition order.

21. Subsection (3) of section 47 of the principal Act (which gives power to a court of summary jurisdiction to enlarge the time for certain matters) shall cease to have effect as respects the time allowed for the execution of any works or the demolition of a building under a closing order or under an order for the demolition of a building.

IMPROVEMENT AND RECONSTRUCTION SCHEMES.

Amendment of s. 4 of the principal Act as to official representation.

22. In section 4 of the principal Act (which relates to an official representation), the words "that the most satisfactory method of dealing with the evils connected with such houses, courts, or alleys, and the sanitary defects in such area is an improvement scheme" shall be substituted for the words "that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area cannot be effectually remedied otherwise than by means of an improvement scheme."

Additional powers for improvement schemes under Part I.

23.—(1) Section 6 of the principal Act (which relates to the contents of an improvement scheme) shall be read as if in subsection (1) the words "for sanitary purposes" were omitted in paragraph (a); and as if the following paragraph was inserted at the end of that subsection; "and

(e) may provide for any other matter (including the closing and diversion of highways) for which it seems expedient to make provision with a view to the improvement of the area or the general efficiency of the scheme."

Extension to Part II schemes of powers of reconstruction as under Part I.

(2) Provision may be made in a reconstruction scheme under Part II of the principal Act for any matters for which provision may be made in an improvement scheme made under Part I of that Act.

Improvement schemes may be made without confirmation by Parliament.

24.—(1) Paragraphs (a) and (b) of subsection (2) of section 5 of the Housing of the Working Classes Act, 1903 (which limit the cases under which an order confirming an improvement scheme takes effect without confirmation by Parliament) shall cease to have effect.

(2) An order of the Local Government Board sanctioning a reconstruction scheme, and authorising the compulsory purchase of land for the purpose, shall, notwithstanding anything in section 39 of the principal Act, take effect without confirmation.

Improvement schemes may be subsequently modified by additions as well as otherwise.

25. The Local Government Board may, in the exercise of their power under section 15 or subsection (9) of section 39 of the principal Act, permit the local authority to modify their scheme, not only by the abandonment of any part of the scheme which it may appear inexpedient to carry into execution, but also by amending or adding to the scheme in matters of detail in such manner as appears expedient to the Board.

Inquiries by Local Government Board inspectors as to unhealthy areas.

26. Any inspector or officer of the Local Government Board, or any person employed by the Board, may be directed to make any inspection or inquiry which is required for the purposes of section 16 of the principal Act (which relates to inquiries made on the default of a medical officer), and section 85 of that Act (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply as respects any inspection or inquiry so held as it applies to local inquiries held under that section.

Vesting of water pipes, &c., under improvement schemes.

27. An improvement scheme under Part I of the principal Act may, with the consent of the person or body of persons entitled to any right or easement which would be extinguished by virtue of section 22 of the principal Act, provide for any exceptions, restrictions, or modifications in the application to that right or easement of that section, and that section shall take effect subject to any such exceptions, restrictions, or modifications.

Apportionment of compensation money or betterment charges in connection with obstructive buildings.

28.—(1) The amount of any compensation payable under section 38 of the principal Act (which relates to obstructive buildings) shall, when settled by arbitration in manner provided by that section, be apportioned by the arbitrator between any persons having an interest in the compensation in such manner as the arbitrator determines.

(2) The power of the arbitrator to apportion compensation under the foregoing provision and to apportion any part of the compensation to be paid for the demolition of an obstructive building amongst other buildings under subsection (8) of the said section 38 may be exercised in cases where the amount to be paid for compensation has been settled, otherwise than by arbitration under the principal Act, by an arbitrator appointed for the special purpose, on the application of the local authority, by the Local Government Board, and the provisions of that Act shall apply as if the arbitrator so appointed had been appointed as arbitrator to settle the amount to be paid for compensation.

Evidence in support of reduction of compensation for slum property.

29. For removing doubts it is hereby declared that a local authority may tender evidence before an arbitrator to prove the facts under the headings (first) (secondly) (thirdly) mentioned in subsection (2) of section 21 and subsection (3) of section 41 of the principal Act, notwithstanding that the local authority have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

AMENDMENTS WITH RESPECT TO FINANCIAL MATTERS.
Application of money borrowed for the purpose of the Dwelling House Improvement Fund.

30. No deficiency in the Dwelling-house Improvement Fund shall be supplied under subsection (2) of section 24 of the principal Act out of borrowed money unless the deficiency arises in respect of money required for purposes to which borrowed money is, in the opinion of the Local Government Board, properly applicable.

How rural district councils shall pay for Part III schemes.

31.—(1) The expenses incurred by a rural district council after the passing of this Act in the execution of Part III of the principal Act shall be defrayed as **general expenses** of the council in the execution of the Public Health Acts, except so far as the Local Government Board on the application of the council declare that any such expenses are to be levied as special expenses charged on specified contributory places, or as general expenses charged on specified contributory places, in the district, in such proportions as the district council may determine, to the exclusion of other parts of the district, and a rural district council may borrow for the purposes of Part III of the principal Act in like manner and subject to the like conditions as for the purpose of defraying the above-mentioned general or special expenses.

Appeal by contributory places against apportionment of expenses of Part III schemes.

(2) The district council shall give notice to the overseers of any contributory place proposed to be charged of any apportionment made by them under this section, and the overseers if aggrieved by the apportionment may appeal to the Local Government Board by giving notice of appeal to the Board within twenty-one days after notice has been so given of the apportionment.

Facilities for selling land bought for housing purposes.

32. Where any land vested in a local authority for the purposes of Part III of the principal Act is sold under section 60 of that Act (which relates to the sale and exchange of lands), the proceeds may be applied not only as provided by that section, but also for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the Local Government Board.

Mode in which contributions by London borough councils to the county council, or vice versa, may be made.

33. Any payment or contribution agreed or ordered to be made under subsection (6) or (7) of section 46 of the principal Act, as amended by section 14 of the Housing of the Working Classes Act, 1903 (which relate to payments or contributions by borough councils towards the expenses of the county council, or by the county council towards the expenses of borough councils in London), may be made either by means of the payment of a lump sum or by means of an annual payment of such amount and for such number of years as may be agreed upon or ordered.

Municipal housing sites exempt from s. 133 of Lands Clauses Act.

34. Section 133 of the Lands Clauses Consolidation Act, 1845 (relating to Land Tax and Poor Rate), shall not apply in the case of any lands of which a local authority becomes possessed by virtue of the Housing Acts.

Exemption of common lodging houses from inhabited house duty.

35.—(1) The assessment to Inhabited House Duty of any house occupied for the sole purpose of letting lodgings to persons of the working classes, at a charge of not exceeding sixpence a night for each person, shall be discharged by the Commissioners acting in the execution of the Acts relating to the Inhabited House Duties, upon the production of a certificate to the effect that the house is solely constructed and used to afford suitable accommodation for the lodgers, and that due provision is made for their sanitary requirements.

(2) The provisions of subsection (2) of section 26 of the Customs and Inland Revenue Act, 1890, in relation to the certificate mentioned therein, shall, so far as applicable, apply to the certificate to be produced under this section.

GENERAL AMENDMENTS.

Power of entry to dwellings for inspection or survey.

36. Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Local Government Board, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings :—

- (a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under the Housing Acts ; and
- (b) for the purpose of survey and examination, in the case of any dwelling-house in respect of which a closing order or an order for demolition has been made ; or
- (c) for the purpose of survey and examination, where it appears to the authority or Board that survey or examination is necessary in order to determine whether any powers under the Housing Acts should be exercised in respect of any house, premises, or building.

Notice may be given to the occupier for the purposes of this section by leaving a notice addressed to the occupier, without name or further description, at the house, buildings, or premises.

Power of Local Government Board to obtain a report on any crowded area.

37. If it appears to the Local Government Board that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under the Housing Acts should be put into force in that area or not, the Local Government Board may require the local authority to make a report to them containing such particulars as to the population of the district and other matters as they direct, and the local authority shall comply with the requirements of the Local Government Board, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part of the principal Act as the Local Government Board determine.

Joint housing committee of local authorities.

38. Where, upon an application made by one of the local authorities concerned, the Local Government Board are satisfied that it is expedient that any local authorities should act jointly for any purposes of the Housing Acts, either generally or in any special case, the Board may by order make provision for the purpose, and any provisions so made shall have the same effect as if they were contained in a provisional order made under section 279 of the Public Health Act, 1875, for the formation of a united district.

Appeals to Local Government Board.

39.—(1) The procedure on any appeal under this Part of this Act, including costs, to the Local Government Board shall be such as the Board may by rules determine, and on any such appeal the Board may make such order in the matter as they think equitable, and any order so made shall be binding and conclusive on all parties, and, where the appeal is against any notice, order, or apportionment given or made by the local authority, the notice, order, or apportionment may be confirmed, varied, or quashed, as the Board think just.

Case stated for courts on appeal upon questions of law.

Provided that :—

- (a) the Local Government Board may at any stage of the proceedings on appeal, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the court **any question of law** arising in the course of the appeal ; and
- (b) the rules shall provide that the Local Government Board shall not dismiss any appeal without having first held a public local inquiry.

Stay of proceedings on appeal to Local Government Board.

(2) Any notice, order, or apportionment as respects which an appeal to the Local Government Board is given under this Part of this Act shall not become operative, until either the time within which an appeal can be made under this Part of this Act has elapsed without an appeal being made, or, in case an appeal is made, the appeal is determined or abandoned, and no work shall be done or proceedings taken under any such notice, order, or apportionment, until it becomes operative.

Deposit of costs in case of appeal to Local Government Board.

(3) The Local Government Board may, before considering any appeal which may be made to them under this Part of this Act, require the appellant to deposit such sum to cover the costs of the appeal as may be fixed by the rules made by them with reference to appeals.

Sale of municipal dwellings not obligatory.

40. Notwithstanding anything contained in the principal Act it shall not be obligatory upon a local authority to sell and dispose of any lands or dwellings acquired or constructed by them for any of the purposes of the Housing Acts.

Power to prescribe forms and to dispense with advertisements and notices.

41.—(1) The Local Government Board may by order prescribe the form of any notice, advertisement, or other document, to be used in connection with the powers and duties of a local authority or of the Board under the Housing Acts, and the forms so prescribed, or forms as near thereto as circumstances admit, shall be used in all cases to which those forms are applicable.

(2) The Local Government Board may dispense with the publication of advertisements or the service of notices required to be published, or served, by a local authority under the Housing Acts, if they are satisfied that there is reasonable cause for dispensing with the publication or service.

(3) Any such dispensation may be given by the Local Government Board either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices, or otherwise as the Board think fit, due care being taken by the Board to prevent interests of any person being prejudiced by the dispensation.

Provision as to publication in "London Gazette."

42. Where under the Housing Acts, any scheme or order or any draft scheme or order is to be published in the London Gazette, or notice of any such scheme or order or draft scheme or order is to be given in the London Gazette, it shall be sufficient in lieu of such publication or notice to insert a notice giving short particulars of the scheme, order, or draft, and stating where copies thereof can be inspected or obtained in two local newspapers circulating in the area affected by the scheme, order, or draft, or to give notice thereof in such other manner as the Local Government Board determine.

Prohibition of erection of back-to-back houses.

43. Notwithstanding anything in any local Act or byelaw in force in any borough or district, it shall not be lawful to erect any back-to-back houses intended to be used as dwellings for the working classes, and any such house commenced to be erected after the passing of this Act shall be deemed to be unfit for human habitation for the purposes of the provisions of the Housing Acts.

Exceptions.

Provided that nothing in this section :—

- (a) shall prevent the erection or use of a house containing several tenements in which the tenements are placed back to back, if the medical officer of health for the district certifies that the several tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement; or
- (b) shall apply to houses abutting on any streets the plans whereof have been approved by the local authority before the first day of May, nineteen hundred and nine, in any borough or district in which, at the passing of this Act, any local Act or byelaws are in force permitting the erection of back-to-back houses.

Power to Local Government Board to revoke unreasonable byelaws.

44. If the Local Government Board are satisfied, by local inquiry or otherwise, that the erection of dwellings for the working classes within any borough, or urban or rural district, is unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Board may require the local authority to revoke such byelaws, or to make such new byelaws as the Board may consider necessary for the removal of the impediment. If the local authority do not within three months after such requisition comply therewith, the Board may themselves revoke such byelaws, and make such new byelaws as they may consider necessary for the removal of the impediment, and such new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Board.

Saving of sites of ancient monuments, &c., 53 and 54 Vict., c. 70.

45. Nothing in the Housing Acts shall authorise the acquisition for the purposes of those Acts of any land which is the site of an ancient monument or other object of archaeological interest, or the compulsory acquisition for the purposes of Part III of the Housing of the Working Classes Act, 1890, of any land which is the property of any local authority or has been acquired by any corporation or company for the purposes of a railway, dock, canal, water, or other public undertaking, or which at the date of the order forms part of any park, garden, or pleasure ground, or is otherwise required for the amenity or convenience of any dwelling-house.

Minor amendments of housing Acts.—Abolition of poor relief disqualification.

46. The amendments specified in the second column of the Second Schedule to this Act, which relate to minor details, shall be made in the provisions of the Housing Acts specified in the first column of that Schedule, and section 63 of the principal Act (which relates to the disqualification of tenants of lodging-houses on receiving poor relief) shall be repealed.

DEFINITIONS.

Provisions of this part to be deemed to be part of the appropriate part of the principal Act.

47.—(1) Any provisions of this Act which supersede or amend any provisions of the principal Act shall be deemed to be part of that Part of the principal Act in which the provisions superseded or amended are contained.

(2) Any reference in the Housing Acts to a closing order or to an order for the demolition of a building shall be construed as a reference to a closing order or an order of demolition under this Act.

Amended definition of "street."

48. The expression "street" shall, unless the context otherwise requires, have the same meaning in Part I of the principal Act as it has in Part II of that Act, and shall include any court, alley, street, square, or row of houses.

Dwelling house need not be "inhabited" for purposes of Part II of principal Act.

49.—(1) The words "means any inhabited building and" shall be omitted from the definition of "dwelling-house" in section 29 of the principal Act.

Extended definition of "owner."

(2) For the definition of owners in the same section the following definition shall be substituted :—

"The expression 'owner,' in addition to the definition given by the Lands Clauses Acts, includes all lessees or mortgagees of any premises required to be dealt with under this Part of this Act, except persons holding or entitled to the rents and profits of such premises under a lease the original term whereof is less than twenty-one years."

Extended definition of "cottage."

50. For the definition of cottage in section 53 of the principal Act the following definition shall be substituted :—

The expression "cottage" in this part of this Act may include a garden of not more than one acre.

Definition of Housing Acts.

51. In this Part of this Act the expression "Housing Acts" means the principal Act, and any Act amending that Act, including this Act.

APPLICATION OF HOUSING ACTS TO SCOTLAND.

52. Subject as hereinafter provided, the Housing of the Working Classes Act, 1900, and the Housing of the Working Classes Act, 1903, shall as amended by this Act apply to Scotland.

53. In addition to the provisions of the principal Act respecting the application of that Act to Scotland, the following provisions shall have effect in the application of the Housing Acts to Scotland :—

(1) The Local Government Board for Scotland (hereinafter in this section referred to as the Board) shall except as otherwise provided be substituted for the Local Government Board, and shall also in Part III of the principal Act as amended and in section 5 of the Housing of the Working Classes Act, 1900, be substituted for the county council :

(2) The Lord Advocate shall be substituted for the Attorney-General :

Application of expression "Public Health Acts" to Scotland.

(3) The expression "Public Health Acts" means the Public Health (Scotland) Act, 1897, and any Act amending the same. References to the Public Health Act, 1875, shall unless the context otherwise requires be construed as references to the Public Health (Scotland) Act, 1897, a reference to an order under section 83 of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to a provisional order under section 279 of the Public Health Act, 1875, and a reference to section 72 of the Public Health (Scotland) Act, 1897, shall be substituted for a reference to section 90 of the Public Health Act, 1875.

ACQUISITION OF LAND FOR PART III OF THE ACT OF 1890 IN SCOTLAND.

(4) The reference in section 57 of the principal Act to sections of the Public Health Act, 1875, relating to the purchase of lands, shall be construed as a reference to the corresponding sections of the Public Health (Scotland) Act, 1897: Provided that for the purposes of Part III of the principal Act the procedure under section 2 of this Act for the compulsory purchase of land shall be substituted for the procedure for the compulsory purchase of land under section 145 of the Public Health (Scotland) Act, 1897:

(5) **The district and the local authority** for the purposes of the Public Health (Scotland) Act, 1897, shall respectively be the district and the local authority, and the public health general assessment shall be the local rate, for the purposes of the Housing Acts ; provided that such local rate shall not be reckoned in any calculation as to the statutory limit of the public health general assessment ; and provided further that a local authority not being a town council may, where so authorised by the Board in terms of the Housing Acts, assess and levy such local rate upon all lands and heritages within one or more of the parishes or special districts comprised in their district, to the exclusion of other parishes or special districts within the district :

(6) A local authority may, with the consent of the Board, borrow money for the purposes authorised in the Housing Acts on the security of the local rate in the same manner and subject to the same conditions as nearly as may be as they may borrow for the provision of permanent hospitals under the Public Health (Scotland) Act, 1897 ; provided that all money so borrowed shall, notwithstanding the terms of section 141 of the said Act, be wholly repaid together with the accruing interest within such period not exceeding eighty years from the date of the loan as the Board may determine in each case :

(7) **The expressions "urban sanitary authority" and "rural sanitary authority"** or "rural district council" mean respectively the local authority (for the purposes of the Public Health (Scotland) Act, 1897) of a burgh and of a district not being a burgh, and the expressions "urban district" and "rural district" shall be construed accordingly :

(8) The Acts relating to nuisances mean as respects any place the Public Health (Scotland) Act, 1897, and the Local Government (Scotland) Act, 1889, and any Act amending the same or either of them, and any local Act which contains any provisions with respect to nuisances in that place :

(9) Except so far as inconsistent with the provisions of subsection (1) of section 85 of the principal Act, sections 7, 8, 9, and 10 of the Public Health (Scotland) Act, 1897, shall apply for the purpose of local inquiries ordered by the Board under the Housing Acts :

(10) Section 1, subsection (1) of section 4, and section 10 of the Housing of the Working Classes Act, 1903, shall not apply. In the last-mentioned Act sections 3 and 12 shall apply with the substitution of the date of the passing of this Act for the date of the passing of that Act, and the Schedule shall apply with the modifications specified in the Third Schedule to this Act :

Default powers of Local Government Board (Scotland) on complaint by householders or councils.

(11) Where a complaint is made to the Board :—

(a) as respects the district of a local authority not being a town council, by the county council, or by the parish council or landward committee, of any parish comprised in the district, or by any four inhabitant householders of the district ; or

(b) as respects any other district by any four inhabitant householders of the district ;

that the local authority have failed to exercise their powers under Part II or Part III of the principal Act in cases where those powers ought to have been exercised, the Board may cause a public local inquiry to be held, and if after holding such an inquiry the Board are satisfied that there has been such a failure on the part of the local authority, it shall be lawful for the Board, with the approval of the Lord Advocate, to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just. Section 10 of this Act shall not apply :

(12) Where it appears to the Board that a local authority have failed to perform their duty under the Housing Acts of carrying out an improvement scheme under Part I of the principal Act, or have failed to make, or, if made, to give effect to, any order as respects an obstructive building, or any reconstruction scheme, under Part II of that Act, or have failed to cause to be made the inspection of their district required by this Act, it shall be lawful for the Board to apply by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed as in the immediately preceding subsection. Section 11 of this Act shall not apply:

(13) **Section 12 and section 13 of this Act shall not apply:**

(14) Sections 15, 17, 18, and 39 of this Act shall apply with the substitution (except as regards the making of or consenting to regulations) of the sheriff for the Local Government Board and of the Court of Session for the High Court; provided that the reference to a public local inquiry shall not apply, and provided further that where an appeal is competent under any of these sections, an appeal shall not be competent under section 35 of the principal Act, and provided also that the power to make rules under section 39 of this Act shall be exercised by the Court of Session by act of sederunt. Section 146 of the Public Health (Scotland) Act, 1897 prescribing the procedure if a local authority neglect its duty), shall have (effect as if the duties imposed upon a local authority by sections 17 and 18 of this Act were duties imposed by that Act:

(15) In the application to Scotland of section 14 of this Act the limit of rent shall be sixteen pounds:

(16) References to special expenses shall not apply:

(17) "Overseers" means parish council, "paid into court" means "paid into bank," "as a civil debt in manner provided by the Summary Jurisdiction Acts" means in a summary manner.

PART II.

TOWN PLANNING.

Area and Objects of a Town Planning Scheme.

54.—(1) A town planning scheme may be made in accordance with the provisions of this Part of this Act as respects

(a) any land which is in course of development or

(b) appears likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity, and convenience in connexion with the laying out and use of the land, and of any neighbouring lands.

Local authorities must establish a prima facie case for a town planning scheme to satisfaction of Local Government Board.

(2) The Local Government Board may authorise a local authority within the meaning of this Part of the Act to prepare such a town planning scheme with reference to any lands within or in the neighbourhood of their area, if the authority satisfy the Board that there is a prima facie case for making such a scheme or may authorise a local authority to adopt, with or without any modifications, any such scheme proposed by all or any of the owners of any land with respect to which the local authority might themselves have been authorised to prepare a scheme.

Any land adjacent to area of a town planning scheme may be included in the scheme by consent of the Local Government Board.

(3) Where it is made to appear to the Local Government Board that a piece of land already built upon, or a piece of land not likely to be used for building purposes, is so situated with respect to any land likely to be used for building purposes that it ought to be included in any town planning scheme made with respect to the last-mentioned land, the Board may authorise the preparation or adoption of a scheme including such piece of land as aforesaid, and providing for the **demolition or alteration of any buildings** thereon so far as may be necessary for carrying the scheme into effect.

Town planning schemes must be approved by an order of the Local Government Board, and may be rejected by either House of Parliament.

(4) A town planning scheme prepared or adopted by a local authority shall not have effect unless it is **approved** by order of the **Local Government Board**, and the Board may refuse to approve any scheme except with such modifications and subject to such conditions as they think fit to impose.

Provided that before a town planning scheme is approved by the Local Government Board, notice of their intention to do so shall be published in the London or Edinburgh Gazette, as the case may be, and if **within twenty-one days from the date of such publication any person or authority interested objects in the prescribed manner** the draft of the order shall be laid before each House of Parliament for a period of not less than thirty days during the Session of Parliament, and if either of those Houses before the expiration of those thirty days presents an Address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft scheme.

(5) **A town planning scheme, when approved by the Local Government Board, shall have effect as if it were enacted in this Act.**

(6) A town planning scheme may be **varied or revoked by a subsequent scheme** prepared or adopted and approved in accordance with this Part of this Act, and the Local Government Board on the application of the responsible authority, or of any other person appearing to them to be interested, may by order revoke a town planning scheme if they think that under the special circumstances of the case the scheme should be so revoked.

(7) The expression "**land likely to be used for building purposes**" shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Local Government Board, whether land is likely to be used for building purposes or not, shall be final.

CONTENTS OF TOWN PLANNING SCHEMES.

General provisions for town planning schemes.

55.—(1) The Local Government Board may prescribe a set of general provisions (**or separate sets of general provisions adapted for areas of any special character**) for carrying out the general objects of town planning schemes, and in particular for dealing with the **matters set out in the Fourth Schedule** to this Act, and the general provisions, or set of general provisions appropriate to the area for which a town planning scheme is made, shall **take effect as part of every scheme**, except so far as provision is made by the scheme as approved by the Board for the variation or exclusion of any of those provisions.

Special Provisions for Town Planning Schemes.

- (2) Special provisions shall in addition be inserted in every town planning scheme defining in such manner as may be prescribed by regulations under this Part of this Act
- (a) the area to which the scheme is to apply; and
 - (b) the authority who are to be responsible for enforcing the observance of the scheme and for the execution of any works which under the scheme, or this Part of this Act are to be executed by a local authority (in this Part of the Act referred to as the responsible authority), and
 - (c) providing for any matters which may be dealt with by general provisions and otherwise supplementing, excluding, or varying the general provisions; and also
 - (d) for dealing with any special circumstances or contingencies for which adequate provision is not made by the general provisions, and for suspending, so far as necessary for the proper carrying out of the scheme, any statutory enactments, bye-laws, regulations, or other provisions, under whatever authority made, which are in operation in the area included in the scheme:

Town planning schemes suspending other enactments must be laid before Parliament forty days.

Provided that where the scheme contains provisions suspending any enactment contained in a public general Act the scheme shall not come into force unless a draft thereof has been laid before each House of Parliament for a period of not less than forty days during the session of Parliament, and if either of those Houses before the expiration of those forty days presents an Address to His Majesty against the proposed suspension no further proceedings shall be taken on the draft, without prejudice to the making of any new scheme.

Joint Town Planning Boards may be formed.

(3) Where land included in a town planning scheme is in the area of more than one local authority, or is in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those local authorities, or for certain purposes of the scheme one local authority and for certain purposes another local authority, or a joint body constituted specially for the purpose by the scheme, and all necessary provisions may be made by the scheme for constituting the joint body and giving them the necessary powers and duties.

London County Council the responsible authority for London.

Provided that, except with the consent of the London County Council, no other local authority shall, as respects any land in the county of London, prepare or be responsible for enforcing the observance of a town planning scheme under this Part of this Act, or for the execution of any works which under the scheme or this Part of this Act are to be executed by a local authority.

CARRYING OUT TOWN PLANNING SCHEMES.

Town planning procedure regulations of the Local Government Board.

56.—(1) The Local Government Board may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a town planning scheme, the preparation of the scheme, obtaining the approval of the Board to a scheme so prepared or adopted, and any inquiries, reports, notices, or other matters required in connection with the preparation or adoption or the approval of the scheme or preliminary thereto, or in relation to the carrying out of the scheme or enforcing the observance of the provisions thereof.

(2) Provision shall be made by those regulations :—

- (a) for securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences and such other means as may be provided by the regulations ;
- (b) for securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any council interested in the land ; and
- (c) for dealing with the other matters mentioned in the Fifth Schedule to this Act.

Power to enforce town planning scheme.

57.—(1) The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of the scheme :—

- (a) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme, or in the erection or carrying out of which any provision of the scheme has not been complied with ; or
- (b) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(2) Any expenses incurred by a responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

Local Government Board to be arbiter as to execution of town planning schemes.

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Local Government Board, and shall, unless the parties otherwise agree, be determined by the Board as arbitrators, and the decision of the Board shall be final and conclusive and binding on all persons.

COMPENSATION.

Compensation in respect of property injuriously affected by scheme.

58.—(1) Any person whose property is injuriously affected by the making of a town planning scheme shall, if he makes a claim for the purpose within the time (if any) limited by the scheme, not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Local Government Board, be entitled to obtain compensation in respect thereof from the responsible authority.

Time limit for claiming compensation.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on, or contract made, or other thing done with respect to land included in a scheme, after the time at which the application for authority to prepare the scheme was made, or after such other time as the Local Government Board may fix for the purpose :

Provided that this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

Betterment charges for property increased in value by town planning scheme.

(3) Where, by the making of any town planning scheme, any property is increased in value the responsible authority, if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Local Government Board), shall be entitled to recover from any person whose property is so increased in value one-half of the amount of that increase.

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) of the sum which is to be paid as compensation under this section or which the responsible authority are entitled to recover from a person whose property is increased in value, shall be determined by the arbitration of a single arbitrator appointed by the Local Government Board, unless the parties agree on some other method of determination.

(5) Any amount due under this section as compensation to a person aggrieved from a responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

Compensation where town planning scheme is revoked.

(6) Where a town planning scheme is revoked by an Order of the Local Government Board under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

Exclusion or limitation of compensation in certain cases.

59.—(1) Where property is alleged to be injuriously affected by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof if or so far as the provisions are such as would have been enforceable if they had been contained in byelaws made by the local authority.

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which, with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected, or prescribe the height or character of buildings, and which the Local Government Board, having regard to the nature and situation of the land affected by the provisions, consider reasonable for the purpose.

Compensation not to be duplicated.

(3) Where a person is entitled to compensation under this Part of this Act in respect of any matter or thing, and he would be entitled to compensation in respect of the same matter or thing under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

ACQUISITION OF LAND COMPRISED IN A SCHEME.

60.—(1) The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement, or be authorised to purchase any such land compulsorily in the same manner and subject to the same provisions (including any provision authorising the Local Government Board to give directions as to the payment and application of any purchase money or compensation) as a local

authority may purchase or be authorised to purchase land situate in an urban district for the purposes of Part III of the Housing of the Working Classes Act, 1890, as amended by sections 2 and 45 of this Act.

(2) Where land included within the area of a local authority is comprised in a town planning scheme, and the local authority are not the responsible authority, the local authority may purchase or be authorised to purchase that land in the same manner as the responsible authority.

POWERS OF LOCAL GOVERNMENT BOARD IN CASE OF DEFAULT OF LOCAL AUTHORITY.

61.—(1) If the Local Government Board are satisfied on any representation, after holding a public local inquiry, that a local authority :—

- (a) have failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made ; or
- (b) have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted ; or
- (c) have unreasonably refused to consent to any modifications or conditions imposed by the Board ;

the Board may, as the case requires, order the local authority to prepare and submit for the approval of the Board such a town planning scheme, or to adopt the scheme, or to consent to the modifications or conditions so inserted :

Provided that, where the representation is that a local authority have failed to adopt a scheme, the Local Government Board, in lieu of making such an order as aforesaid, may approve the proposed scheme, subject to such modifications or conditions, if any, as the Board think fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Board.

Failure to enforce scheme.

(2) If the Local Government Board are satisfied on any representation, after holding a local inquiry, that a responsible authority have failed to enforce effectively the observance of a scheme which has been confirmed, or any provisions thereof, or to execute any works which under the scheme or this Part of this Act the authority is required to execute, the Board may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this Part of this Act the authority is required to execute.

(3) Any order under this section may be enforced by mandamus.

Determination of matters by Local Government Board.

62. Where the Local Government Board are authorised by this Part of this Act or any scheme made thereunder to determine any matter, it shall, except as otherwise expressly provided by this Part of this Act, be at their option to determine the matter as arbitrators or otherwise, and if they elect or are required to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868, respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein re-enacted and in terms made applicable to the Local Government Board and the determination of the matters aforesaid.

Inquiries by Local Government Board.

63. Section 85 of the Housing of the Working Classes Act, 1890 (which relates to inquiries by the Local Government Board), as amended by this Act, shall apply for any purposes of this Part of this Act as it applies for the purpose of the execution of the powers and duties of the Local Government Board under that Act.

Laying general provisions of town planning schemes before Parliament.

64. All general provisions made under this Part of this Act shall be laid as soon as may be before Parliament, and the Rules Publication Act, 1893, shall apply to such provisions as if they were statutory rules within the meaning of section 1 of that Act.

Definition of local authority, and expenses for town planning.

65.—(1) For the purposes of this Part of this Act the expression "local authority" means the council of any borough or urban or rural district.

(2) Any expenses incurred by a local authority under this Part of this Act, or any scheme made thereunder, shall be defrayed as expenses of the authority under the Public Health Acts, and the authority may borrow, for the purposes of this Part of this Act, or any scheme made thereunder, in the same manner and subject to the same provisions as they may borrow for the purposes of the Public Health Acts.

No limitation on borrowing for town planning purposes.

(3) Money borrowed for the purposes of this Part of this Act, or any scheme made thereunder, shall not be reckoned as part of the debt of a borough or urban district for the purposes of the limitation on borrowing under subsections (2) and (3) of section 234 of the Public Health Act, 1875.

APPLICATION TO LONDON.

66.—(1) This Part of this Act shall apply to the administrative county of London, and, as respects that county, the London County Council shall be the local authority.

(2) Any expenses incurred by the London County Council shall be defrayed out of the general county rate and any money may be borrowed by the Council in the same manner as money may be borrowed for general county purposes.

APPLICATION OF TOWN PLANNING TO SCOTLAND.

67. This Part of this Act shall apply to Scotland subject to the following modifications:—

(1) The Local Government Board for Scotland (hereinafter referred to as the Board) shall be substituted for the Local Government Board, and shall for the purposes of this Part of this Act have the same powers of local inquiry as for the purposes of the Housing Acts as defined in Part I of this Act.

(2) Subsection (1) and subsection (3) of the section of this Part of this Act which relates to the definition of local authority and expenses shall not apply.

(3) The local authority and the area of such authority for the purposes of this Part of this Act shall respectively be the local authority for the purposes of the Housing Acts as defined in Part I of this Act, and the district of that authority.

(4) References to the Public Health Acts shall be construed as references to the Housing Acts as defined in Part I of this Act.

(5) Any local rate for the purposes of this Part of this Act (including the purposes of any loan) shall not be reckoned in any calculation as to the statutory limit of the public health general assessment.

(6) The Board shall not themselves make an order under section 61 of this Act on any authority, but in lieu thereof it shall be lawful for the Board, after holding a local inquiry at which the authority shall have had an opportunity of being heard, and with the approval of the Lord Advocate, to apply for such an order by summary petition to either Division of the Court of Session, or during vacation or recess to the Lord Ordinary on the Bills, which Division or Lord Ordinary are hereby authorised and directed to do therein and to dispose of the expenses of the proceedings as to the said Division or Lord Ordinary shall appear to be just.

(7) In any proceedings under this Part of this Act the Board shall have regard to the powers and jurisdiction of the dean of guild court in burghs.

(8) The provision respecting the Rules Publication Act, 1893, shall have effect as if section 1 of that Act applied to Scotland, with the substitution of the "Edinburgh Gazette" for the "London Gazette."

PART III.

COUNTY MEDICAL OFFICERS, COUNTY PUBLIC HEALTH, AND HOUSING COMMITTEE, &c.

Appointment, Duties, and Tenure of Office of County Medical Officers.

68.—(1) Every county council shall appoint a medical officer of health under section 17 of the Local Government Act, 1888.

(2) The duties of a medical officer of health of a county shall be such duties as may be prescribed by general order of the Local Government Board, and such other duties as may be assigned to him by the County Council.

(3) The power of county councils and district councils under the said section to make arrangements with respect to medical officers of health shall cease, without prejudice to any arrangement made previously to the date of the passing of this Act.

Power of entry for county medical officer.

(4) The medical officer of health of a county shall, for the purposes of his duties, have the same power of entry on premises as are conferred on a medical officer of health of a district by or under any enactment.

Security of tenure for county medical officer.

(5) A medical officer of health of a county shall be removable by the county council with the consent of the Local Government Board and not otherwise.

(6) A medical officer of health of a county shall not be appointed for a limited period only:

Provided that the county council may, with the sanction of the Local Government Board, make any temporary arrangement for the performance of all or any of the duties of the medical officer of health of the county, and any person appointed by virtue of any such arrangement to perform those duties or any of them shall, subject to the terms of his appointment, have all the powers, duties, and liabilities of the medical officer of health of the county.

County medical officer not to have private practice.

(7) A medical officer of health appointed after the passing of this Act under the said section as amended by this section shall not engage in private practice, and shall not hold any other public appointment without the express written consent of the Local Government Board.

Order prescribing duties of county medical officer must be laid before Parliament.

(8) An order under this section prescribing the duties of medical officers of health of a county shall be communicated to the county council, and shall be laid before Parliament as soon as may be after it is made, and if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after the order is laid before it praying that the order may be annulled, His Majesty in Council may annul the Order, and it shall thenceforward be void, but without prejudice to the validity of anything previously done thereunder.

Duty of officers of district council to furnish information to county medical officer.

69.—(1) The clerk of a rural district council shall forward to the medical officer of health of the county a copy of any representation, complaint, or information, a copy of which it is the duty of the district council to forward to the county council under section 45 of the Housing of the Working Classes Act, 1890 (which relates to the powers of county councils).

(2) The medical officer of health of a district shall give to the medical officer of health of the county any information which it is in his power to give, and which the medical officer of health of the county may reasonably require from him for the purpose of his duties prescribed by the Local Government Board.

Differences between county and district officers.

(3) If any dispute or difference shall arise between the clerk or the medical officer of health of a district council and the medical officer of health of a county council under this section, the same shall be referred to the Local Government Board, whose decision shall be final and binding.

(4) If the clerk or medical officer of health of a district council fails to comply with the provisions of this section, he shall on information being laid by the county council, but not otherwise, be liable on summary conviction in respect of each offence to a fine not exceeding ten pounds.

Scotland exempted from Sections 68 and 69.

70. The foregoing provisions of this Part of this Act shall not apply to Scotland, or except subsection (4) of section 68, to the administrative county of London, and, in the application of the said subsection to London, the reference to a medical officer of health of a district shall be construed as a reference to the medical officer of health of a metropolitan borough.

County health and housing committee.

71. (1)—Every county council shall establish a public health and housing committee, and all matters relating to the exercise and performance by the council of their powers and duties as respects public health and the housing of the working classes (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the public health and housing committee with respect to the matter in question, and the council may also delegate to the public health and housing committee, with or without restrictions or conditions as they think fit, any of their powers as respects public health and the housing of the working classes, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

(2) This section shall not apply to Scotland or the London County Council.

COUNTY CO-OPERATIVE HOUSING SOCIETIES.

72.—(1) The county council may promote the formation or extension of and may, subject to the provisions of this section, assist societies on a co-operative basis, having for their object, or one of their objects, the erection or improvement of dwellings for the working classes.

County grants or loans to housing societies.

(2) The county council, with the consent of and subject to the regulations made by the Local Government Board, may for the purpose of assisting a society make grants or advances to the society, or guarantee advances made to the society, upon such terms and conditions as to rate of interest and repayment, or otherwise, and on such security, as the council think fit, and the making of such grants or advances shall be a purpose for which a council may borrow:

Provided that the regulations of the Board shall provide that any such advance made on the security of any property shall not exceed two-thirds of the value of that property.

PART IV.

SUPPLEMENTAL.

Protection of commons and open spaces.

73.—(1) Where any scheme or order under the Housing Acts or Part II of this Act authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except where the scheme or order provides for giving in exchange for such land other land, not being less in area, certified by the Local Government Board after consultation with the Board of Agriculture and Fisheries to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.

(2) Before giving any such certificate the Board shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.

(3) Where any such scheme or order authorises such an exchange the scheme or order shall provide for vesting the land given in exchange in the persons in whom the common or open space was vested, subject to the same rights, trusts, and incidents as attached to the common or open space, and for discharging the part of the common, open space, or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(4) For the purposes of this Act the expression "common" shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

Provisions as to land in neighbourhood of royal palaces or parks.

74.—(1) Where any land proposed to be included in any scheme or order to be made under the Housing Acts or Part II of this Act, or any land proposed to be acquired under the Housing Acts or Part II of this Act, is situate within the prescribed distance from any of the royal palaces or parks the local authority shall, before preparing the scheme or order or acquiring the land, communicate with the Commissioners of Works, and the Local Government Board shall, before confirming the scheme or order or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations they may have received from the Commissioners of Works, with reference to the proposal.

(2) For the purposes of this section "prescribed" means prescribed by regulations made by the Local Government Board after consultation with the Commissioners of Works.

Repeal of Minor Enactments.

75. The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title and extent.

76.—(1) This Act may be cited as the Housing, Town Planning, &c., Act, 1909, and Part I of this Act shall be construed as one with the Housing of the Working Classes Acts, 1890 to 1903, and that Part of this Act and those Acts may be cited together as the Housing of the Working Classes Acts, 1890 to 1909.

(2) This Act shall not extend to Ireland.

FIRST SCHEDULE.

Provisions as to the Compulsory Acquisition of Land by a Local Authority for the Purposes of Part III of the Housing of the Working Classes Act, 1890.

Local authority to submit compulsory order to Local Government Board.

(1) Where a local authority propose to purchase land compulsorily under this Act, the local authority may submit to the Board an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

Local Government Board may confirm order for compulsory purchase.

(2) An order under this schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order when so confirmed shall, save as otherwise expressly provided by this schedule, become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made and is within the powers of this Act.

(3) In determining the amount of any disputed compensation under any such order, no additional allowance shall be made on account of the purchase being compulsory.

Contents of order for compulsory purchase.

(4) The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect and of protecting the local authority and the persons interested in the land, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act, 1845), and sections 77 to 85 of the Railways Clauses Consolidation Act, 1845, but subject to this modification, that any question of disputed compensation shall be determined by a single arbitrator appointed by the Board, who shall be deemed to be an arbitrator within the meaning of the Lands Clauses Acts, and the provisions of those Acts with respect to arbitration shall, subject to the provisions of this schedule, apply accordingly.

Procedure for making order for compulsory purchase.

(5) The order shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees, and occupiers of that land as may be prescribed.

(6) If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn the Board shall, without further inquiry, confirm the order, but, if such an objection has been presented and has not been withdrawn, the Board shall forthwith cause a public inquiry to be held in the locality in which the land is proposed to be acquired, and the local authority and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry.

Special procedure for compulsory purchase of land in urban areas.

(7) Where the land proposed to be acquired under the order consists of or comprises land situate in London or a borough or urban district, the Board shall appoint an impartial person, not in the employment of any Government Department, to hold the enquiry as to

(a) whether the land proposed to be acquired is suitable for the purposes for which it is sought to be acquired, and

- (b) whether having regard to the extent or situation of the land and the purposes for which it is used, the land can be acquired without undue detriment to the persons interested therein or the owners of adjoining land,

and such person shall in England have for the purpose of the inquiry all the powers of an inspector of the Local Government Board, and, if he reports that the land or any part thereof, is not suitable for the purposes for which it is sought to be acquired, or that owing to its extent or situation or the purpose for which it is used it cannot be acquired without such detriment as aforesaid, or that it ought not to be acquired except subject to the conditions specified in his report, then, if the Local Government Board confirm the order in respect of that land, or part thereof, or, as the case may require, confirm it otherwise than subject to such modifications as are required to give effect to the specified conditions, the order shall be provisional only, and shall not have effect unless confirmed by Parliament.

Where no part of the land is so situated as aforesaid, before confirming the order, the Board shall consider the report of the person who held the inquiry, and all objections made therat.

Proceedings before Arbitrator.

(8) The arbitrator shall, so far as practicable, in assessing compensation act on his own knowledge and experience, but, subject as aforesaid, at any inquiry or arbitration held under this schedule the person holding the inquiry or arbitration shall hear, by themselves or their agents, any authorities or parties authorised to appear, and shall hear witnesses, but shall not, except in such cases as the Board otherwise direct, hear counsel or expert witnesses.

Costs of arbitration.

(9) The Board may, with the concurrence of the Lord Chancellor, make rules fixing a **scale of costs** to be applicable on an arbitration under this schedule, and an arbitrator under this schedule may, notwithstanding anything in the Lands Clauses Acts, determine the amount of costs, and shall have power to disallow as costs in the arbitration the costs of any witness whom he considers to have been called unnecessarily and any other costs which he considers to have been caused or incurred unnecessarily.

(10) The remuneration of an arbitrator appointed under this schedule shall be fixed by the Board.

(11) In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act, and the local authority shall be deemed to be the promoters of the undertaking.

Glebe lands or other ecclesiastical property.

(12) Where the land is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(13) In this schedule the expression "Board" means the Local Government Board, and the expression "prescribed" means prescribed by the Board.

COMPULSORY LAND PURCHASE IN SCOTLAND.

(14) The provisions of this schedule, except those relating to land belonging to an ecclesiastical benefice, shall apply to Scotland, subject to the following modifications:—

- (a) for the reference to section 127 of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to section 120 of the Lands Clauses Consolidation (Scotland) Act, 1845, and

for the reference to sections 77 to 85 of the Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to sections 70 to 78 of the Railways Clauses Consolidation (Scotland) Act, 1845;

- (b) for references to an arbitrator there shall be substituted references to an arbiter;
- (c) for the references to the Lord Chancellor there shall be substituted a reference to the Lord Advocate;
- (d) for the reference to the Local Government Board there shall be substituted a reference to the Local Government Board for Scotland, and for the reference to a borough or urban district there shall be substituted a reference to a burgh.

SECOND SCHEDULE (Sec. 46.)

Minor amendments of Housing Acts.

Enactment to be Amended.	Nature of Amendment.
Housing of the Working Classes Act, 1890 (53 & 54 Vict., c. 70).	
Section 23.	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 34.	The words "the order becomes operative" shall be substituted for the words "service of the order."
Section 35.	The words "if he is not entitled to appeal to the Local Government Board against the order" shall be inserted after the word "may" where it first occurs.
Section 38 (1) (a)	The words "or impedes" shall be inserted after the word "stops."
Section 38 (7).	The words "house or other building or manufactory" shall be substituted for the words "house or manufactory" wherever they occur in that subsection.
Section 39 (8).	The words "as amended by any subsequent Act" shall be inserted after the word "Act" where it first occurs, and the words "to the power of the Local Government Board to enforce that duty" shall be inserted after the word "execution."
Section 40.	After the word "displaced" the words "in consequence of" shall be substituted for the word "by."
Section 85.	The words "powers and" shall be inserted before the word "duties."
Section 88.	The words "or Part III" shall be inserted after the words "Part II."
Section 89.	After the word "Act" where it first occurs the words "or any person authorised to enter dwelling-houses, premises, or buildings in pursuance of this Act," shall be inserted; the words "authority or person" shall be substituted for the words "or authority," and the word "he" shall be substituted for the words "such person."

THIRD SCHEDULE (Sec. 53.)

Modifications of the schedule to the Housing of the Working Classes Act, 1903, in its application to Scotland.

In the above-mentioned schedule as applying to Scotland, the expression "district within the meaning of the Public Health (Scotland) Act, 1897," shall be substituted for the expressions "borough," "urban district," and "parish" respectively; "Local Government Board for Scotland" shall be substituted for "Local Government Board"; "every such appropriation of lands shall be recorded as a real burden affecting such lands in the appropriate register of sasines" shall be substituted for "every conveyance, demise, or lease of any such lands shall be endorsed with notice of this provision"; "subsections 1 and 3 (with the substitution of the Local Government Board for Scotland for the Secretary for Scotland) of section 93 of the Local Government (Scotland) Act, 1889" shall be substituted for "subsections 1 and 5 of section 87 of the Local Government Act, 1888"; "Court of Session" shall be substituted for "High Court"; "order of the Court of Session on the application of the Board" shall be substituted for "mandamus"; and "local authority for the purposes of the Public Health (Scotland) Act, 1897, in whose district" shall be substituted for "council of any administrative county and the district council of any county district; or in London the council of any metropolitan borough in which."

FOURTH SCHEDULE.

Matters to be dealt with by general provisions prescribed by the Local Government Board.

- (1) Streets, roads, and other ways, and stopping up, or diversion of existing highways.
- (2) Buildings, structures, and erections.
- (3) Open spaces, private and public.
- (4) The preservation of objects of historical interest or natural beauty.
- (5) Sewerage, drainage, and sewage disposal.
- (6) Lighting.
- (7) Water supply.
- (8) Ancillary or consequential works.
- (9) Extinction or variation of private rights of way and other easements.
- (10) Dealing with or disposal of land acquired by the responsible authority or by a local authority.
- (11) Power of entry and inspection.
- (12) Power of the responsible authority to remove, alter, or demolish any obstructive work.
- (13) Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.
- (14) Power of the responsible authority or a local authority to accept any money or property for the furtherance of the object of any town planning scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.
- (15) Application with the necessary modifications and adaptations of statutory enactments.
- (16) Carrying out and supplementing the provisions of this Act for enforcing schemes.
- (17) Limitation of time for operation of scheme.
- (18) Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested by means of conferences, &c.
- (19) Charging on the inheritance of any land the value of which is increased by the operation of a town planning scheme the sum required to be paid with respect of that increase, and for that purpose applying, with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land.

FIFTH SCHEDULE.

Prima facie case for town plan.

- (1) Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme:—
 (a) Submission of plans and estimates.
 (b) Publication of notices.

Preparation of town plan.

- (2) Procedure during, on, and after the preparation or adoption and before the approval of the scheme:—
 (a) Submission to the Local Government Board of the proposed scheme, with plans and estimates.
 (b) Notice of submission of proposed scheme to the Local Government Board.
 (c) Hearing of objections and representations by persons affected, including persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme.
 (d) Publication of notice of intention to approve scheme and the lodging of objections thereto.

Execution of town plan.

- (3) Procedure after the approval of the scheme:—
 (a) Notice to be given of approval of scheme.
 (b) Inquiries and reports as to the beginning and the progress and completion of works, and other action under the scheme.
 (4) Duty, at any stage, of the local authority to publish or deposit for inspection any scheme or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.

Limitation of rooms per acre.

- (5) The details to be specified in plans, including, wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of those buildings.

SIXTH SCHEDULE (See. 75.)

Enactments repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41	The Local Government Act, 1888	Section 17, from " who shall not hold " to end of the section.
53 & 54 Vict., c. 70.	The Housing of the Working Classes Act, 1890	The words " for sanitary purposes " in paragraph (a) of subsection (1) of section 6. Subsection (6) of section 8 and section 9. Subsection (5) of section 12. Subsection (2) of section 15, including the proviso thereto. Sections 17, 18, and 19. In section 25, the words at the end of the section " such loan shall be repaid within such period, not exceeding fifty years, as may be recommended by the confirming authority." Sections 27 and 28. In section 29, the words " means any inhabited building, and " in the definition of " dwelling-house."

Session and Chapter.	Short Title.	Extent of Repeal.
59 & 60 Vict. c. 31.	The Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1896.	<p>Sections 32 and 33.</p> <p>In section 39, the words "by agreement" in subsection (4) where those words first occur, and all after the word "sanctioned" to the end of that subsection; subsections (5) and (6); the words "to costs to be awarded in certain cases by a committee of either House of Parliament" in subsection (8); and subsection (9) from "Provided that" to the end.</p> <p>In subsection (3) of section 47, the words "the time allowed under any order for the execution of any works or the demolition of a building, or."</p> <p>In section 53 subsection (2).</p> <p>Section 54, so far as unrepealed.</p> <p>Section 55, so far as it applies to Scotland.</p> <p>Section 63.</p> <p>Section 65, from "and (iii)" to the end of the section.</p> <p>In section 66, the words "or special."</p> <p>Section 77.</p> <p>Section 83.</p> <p>In section 85, the words "not exceeding three guineas a day."</p> <p>Section 92, from "but in" to the end of the section.</p> <p>Subsection (3) except paragraph (c), and subsection (4) of section 94.</p> <p>Subsections (1), (2), (7), (8), and (14) of section 96.</p> <p>In subsection (3) of section 97 the words "the time allowed under any order for the execution of any works or the demolition of a building or."</p> <p>The First Schedule, so far as it applies to Scotland.</p> <p>The Third, Fourth, and Fifth Schedules.</p> <p>Section 3.</p>
63 & 64 Vict. c. 59.	The Housing of the Working Classes Act, 1900.	<p>Sections 2, 6, and 7.</p> <p>In section 8 the words "Scotland or."</p>
3 Edw. VII, c. 39.	The Housing of the Working Classes Act, 1903.	<p>Paragraphs (a) and (b) of subsection (2) of section 5, sections 6 and 8, in section 10 the words "in the manner provided by subsection (3) of section 32 of the principal Act," and section 16.</p> <p>In section 17 the words "Scotland or."</p>

The Local Government Board have issued the following Rules, and have prescribed the following forms under the Act.

RULES WITH REFERENCE TO APPEALS.

Rules determining the procedure on any appeal under Part I of the Housing and Town Planning Act, 1909.

RULE 1.—Every appeal to the Local Government Board shall be made to and be brought before the Local Government Board by means of a letter, or other representation in writing (hereinafter referred to as a "statement of appeal") which shall be addressed and posted, or shall be otherwise given, sent, or delivered to the Local Government Board at their office, and of which a copy shall, at the same time, be addressed and posted, or shall be otherwise given, sent, or delivered to the local authority at their office.

RULE 2.—Every statement of appeal shall be signed by or on behalf of every person (hereinafter referred to as an "appellant") who makes or who joins in making the appeal, or, where an appellant is a corporation, or an association or body of persons unincorporate, shall be signed by an officer of or other person described as duly authorised by the corporation, association, or body, and shall bear a date corresponding to that of the day on which the requisite signature is affixed to the statement of appeal.

RULE 3.—Every statement of appeal shall set forth in detail the grounds of the appeal, all material facts in relation to the description or position of every appellant as a party to the appeal, and to his interest in any dwelling-house or premises to which the appeal has reference, or to his interest in or to such other concern or association as he may have with any subject-matter of the appeal, and also all material facts in relation to any such proceeding by a local authority or by an officer of or person authorised by a local authority as affects the grounds of appeal, the appellant, the interest of the appellant in any dwelling-house or premises to which the appeal has reference, or the interest of the appellant in or such other concern or association, as he may have with the subject-matter of the appeal.

RULE 4.—Every statement of appeal shall be accompanied by every such document as an appellant has in his possession or at his disposal, and is able to furnish, and as consists of, or comprises, or gives particulars of, any notice, order, demand, or apportionment relating to the grounds or subject-matter of the appeal, or otherwise relating to any material facts set forth in the appeal; and shall show by appropriate particulars in the statement of appeal, or by an appropriate entry on any such document accompanying the statement of appeal, the date of service upon an appellant of the notice, order, demand, or apportionment.

RULE 5.—Where an appeal appears to the Local Government Board to require, for its due consideration, that information, other than such information as is set forth in the statement of appeal, or is supplied by means of any document accompanying the statement of appeal, or by means of any statement by or correspondence with an appellant or the local authority respecting the appeal, shall be furnished to the Local Government Board, the requisite information shall, on the written request of the Local Government Board, be furnished by an appellant or by the local authority, as the case may be, in such manner, in such form, and within such time as the Local Government Board in writing specify.

RULE 6.—Where the Local Government Board on an appeal are satisfied that there is reasonable cause for dispensing, either conditionally or unconditionally, with compliance with any requirement of the foregoing rules, or for varying any such requirement, the Local Government Board may by a notification in writing to an appellant or to the local authority, as the case may be, give the necessary dispensation to the appellant or to the local authority, as the case may be, or may make and give effect to the necessary variation and to any incidents or consequences of that variation;

and, in the case of any such dispensation when given subject to any condition, or in the case of any such variation, an appellant or the local authority, as the case may be, shall comply in all respects with the condition or variation, and with any requirement of the notification by the Local Government Board, as if the condition, variation, or requirement formed part of the foregoing rules.

RULE 7.—Where the Local Government Board, before considering an appeal, require an appellant to deposit a sum to cover the costs of the appeal, the sum shall be :—

- (a) In every case in which the office of the local authority is at a distance not exceeding fifty miles from the office of the Local Government Board—

Seven Pounds; and

- (b) In every other case—

Ten Pounds.

For the purposes of this Rule, the distance shall be measured by a straight line drawn on the third edition of the map of the Ordnance Survey on the scale of $\frac{1}{63360}$, or one mile to one inch, from the nearest point in one office to the nearest point in the other office.

RULE 8.—Except so far as this rule otherwise provides and so far as regards any costs incurred by the Local Government Board in relation to a public local inquiry held in pursuance of these rules, all costs of and incidental to an appeal shall, when incurred by an appellant or by the local authority, be borne by the appellant or by the local authority as the case may be: Provided that the Local Government Board may, by any Order made under subsection (1) of Section 39 of the Housing, Town Planning, &c., Act, 1909, direct by whom any such costs, when incurred by an appellant or by the local authority, shall be borne; and that nothing in this rule shall have effect in contravention or in derogation of any such direction.

RULE 9.—The Local Government Board shall not dismiss an appeal without having first held a public local inquiry.

Where the Local Government Board are required to hold a public local inquiry, and written notice of the time and place at which the inquiry will be held has been given by the Local Government Board to every appellant and to the local authority, a printed copy of the notice shall be posted by the local authority at every place specified in writing by the Local Government Board as necessary or suitable for the purpose.

FORMS AND NOTICES.

HOUSING, TOWN PLANNING, &c., ACT, 1909. PART I.

Section 15 (2).

FORM No. I.

**Form of Notice by person authorised by the Local Authority before entry
for the purpose of viewing the state and condition of a house to which
Section 15 of the Housing, Town Planning, &c., Act, 1909, applies.**

To
of the house³

the²

TAKE NOTICE that in pursuance of subsection (2) of Section 15 of the Housing, Town Planning, &c., Act, 1909, I,⁴
being a person duly authorised in writing by the⁵
intend, on the † day of 19,
at any time between the hours of[§] in the forenoon and in the
afternoon, to enter the above-mentioned house for the purpose of viewing
the state and condition thereof.

Dated this

day of

• 61 •

Signature

Description

Description Residence or place of business

} of person
authorised
to enter.

Directions for Filling up this Form.

Insert—

- 1 The name and description, where known, of Tenant or Occupier.
 - 2 " Tenant " or " Occupier."
 - 3 Such a description of the house as may be sufficient for its identification.
 - 4 Name and description of person authorised by the Local Authority to enter.
 - 5 Description of the Local Authority.
- [†] Twenty-four hours' notice must be given.
[§] Entry must be at reasonable times of the day.

Section 15 (3).

FORM No. 2.

Form of Notice requiring landlord to execute works in the case of a house to which section 15 of the Housing, Town Planning, &c., Act, 1909, applies.

To¹ , the landlord of the house²

TAKE NOTICE :—

THAT it appears to the³ that the undertaking implied by virtue of Section 15 of the Housing, Town Planning, &c., Act, 1909, to the effect that the above-mentioned house to which that Section applies shall be kept by you in all respects reasonably fit for human habitation, has not been complied with;

AND THAT, in pursuance of subsection (3) of the said Section, the said³ do hereby require you within a period of⁴ days, ending on the day of , One thousand nine hundred and , to execute the works herein specified as being necessary to make the said house in all respects reasonably fit for human habitation, that is to say, the several works hereinafter set forth, namely—

Dated this day of .
 Signature of Clerk of Local Authority , 19 .

Directions for Filling up this Form.

Insert—

- 1 Name, residence or place of business, and description, where known, of Landlord.
 - 2 Such a description of the house as may be sufficient for its identification.
 - 3 Description of the Local Authority.
 - 4 Description of works to be executed.
- [†] A reasonable time, not being less than twenty-one days, must be specified.

Section 15 (4).

FORM No. 3.

Form of Notice declaring intention of landlord to close for human habitation a house to which Section 15 of the Housing, Town Planning, &c., Act, 1909, applies.

To the¹

WHEREAS by a notice dated the day of , 19 , the Local Authority in pursuance of subsection (3) of Section 15 of the Housing, Town Planning, &c., Act, 1909, have required the landlord of the house² to execute, within the time specified in that notice, such works as are specified in the said notice as being necessary to make the said house in all respects reasonably fit for human habitation :

Now THEREFORE, I, the landlord, do by this Notice declare my intention of closing the said house for human habitation.

As witness my hand this day of , 19
Signature }
Residence or place of business } of Landlord.
Description }

Directions for Filling up this Form.

Insert—

- ¹ Description of the Local Authority.
² Such a description of the house as may be sufficient for its identification.

Section 15. (5).

FORM NO. 4.

Form of Order declaring Expenses Incurred by the Local Authority
in the case of a house to which Section 15 of the Housing, Town Planning,
&c., Act, 1909, applies to be payable by annual instalments.

To¹
house², the landlord of the

WHEREAS by a notice dated the _____ day of

in pursuance of subsection (3) of Section 15 of the Housing, Town Planning, &c., Act, 1909, have required the landlord of the above-mentioned house to execute, within the time specified in that notice, the works specified in the said notice as being necessary to make the said house in all respects reasonably fit for human habitation;

AND WHEREAS the said notice has not been complied with and the landlord has not given in pursuance of subsection (4) of the said Section a notice declaring his intention of closing the said house for human habitation;

AND WHEREAS We, the said³
in pursuance of subsection (5) of the same Section have done the work
required to be done, and have incurred in so doing expenses amounting to
the sum of £ : : :

Now THEREFORE We, the said³
do, by this Our Order, declare that the said expenses amounting to the sum
of £ : : shall be payable by annual instalments within a
period not exceeding† years, with interest at the rate of §
pounds per cent. per annum, until the whole amount is paid.

Dated this _____ day of _____, 19____.

(To be sealed with the common seal of the Local Authority.)

Signature of Clerk of Local Authority

Directions for Filling up this Form.

Insert—

- ¹ Name, residence or place of business, and description, where known, of Landlord.
² Such a description of the house as may be sufficient for its identification.
³ Description of the Local Authority.

[†] The period to be specified must not exceed that of the interest of the landlord in the house, nor in any case five years.

§ The rate of interest must not exceed five pounds per cent. per annum.

Section 17 (2).

FORM NO. 5-

Form of Closing Order.

To^r
house^s , owner of the dwelling

WHEREAS under subsection (2) of Section 17 of the Housing, Town Planning, &c., Act, 1909, it is the duty of the Local Authority if, on the representation of the Medical Officer of Health, or of any other Officer of

the Local Authority, or other information given, any dwelling-house appears to the Local Authority to be in a state so dangerous or injurious to health as to be unfit for human habitation, to make a Closing Order, that is to say, an Order prohibiting the use of the dwelling-house for human habitation until in the judgment of the Local Authority the dwelling-house is rendered fit for that purpose;

AND WHEREAS it appears to the³
on the⁴

that the above-mentioned dwelling-house is in a state so dangerous or injurious to health as to be unfit for human habitation;

Now THEREFORE, We, the said
in pursuance of subsection (2) of Section 17 of the Housing, Town Planning,
&c., Act, 1909, do, by this Our Order, prohibit the use of the said dwelling-
house for human habitation, until, in Our judgment, it is rendered fit for
that purpose.

Dated this _____ day of _____

19

(To be sealed with the common seal of the Local Authority.)

Signature of Clerk of Local Authority

Directions for Filling up and adapting this Form.

Insert—

- ¹ Name, residence or place of business, and description, where known, of Owner.
 - ² Such a description of the dwelling-house as may be sufficient for its identification.
 - ³ Description of the Local Authority.
 - ⁴ "Representation of the Medical Officer of Health" or "representation of the (specify the Officer)" or "on information given" (specify the nature and effect).

Section 17 (4).

FORM No. 6.

Form of Notice of Closing Order which has become operative.

, occupying tenant

of the dwelling-house²

TAKE NOTICE :—

THAT on the

One thousand nine hundred and

day of

in pursuance of the Housing, Town Planning, &c., Act, 1909, made a Closing Order prohibiting the use for human habitation of the above-mentioned dwelling-house until in the judgment of the Local Authority the dwelling-house is rendered fit for that purpose;

AND THAT the Closing Order has become operative:

AND ALSO THAT in pursuance of subsection (4) of Section 17 of the Housing, Town Planning, &c., Act, 1909, within days after the service of this Notice the said Closing Order must be obeyed by you, and you and your family must cease to inhabit the said dwelling-house.

Dated this _____ day of _____

, 19

Signature of Clerk of Local Authority

Directions for Filling up this Form.

Insert—

- ¹ Name of Occupying Tenant.
 - ² Such a description of the dwelling-house as may be sufficient for its identification.
 - ³ Description of the Local Authority.

[†] The period must be not less than fourteen days after the service of the notice.

Section 17 (6).
FORM No. 7.

Form of Order determining Closing Order.

To¹ , owner of the dwelling
house²

WHEREAS on the day of , 19 , in pursuance of the Housing, Town Planning, &c., Act, 1909, a Closing Order was made by Us, the³ , in respect of the above-mentioned dwelling-house, and by the said Closing Order, We, the said³ prohibited the use of the said dwelling-house for human habitation until, in Our judgment, the dwelling-house should be rendered fit for that purpose ;

AND WHEREAS We, the said³ , are satisfied that the said dwelling-house has been rendered fit for human habitation :

Now THEREFORE We, the said³ , do hereby determine the Closing Order aforesaid.

Dated this day of , 19 .

(To be sealed with the common seal of the Local Authority.)

Signature of Clerk of Local Authority

Directions for Filling up this Form.

Insert—

¹ Name, residence or place of business, and description, where known, of Owner.

² Such a description of the dwelling-house as may be sufficient for its identification.

³ Description of the Local Authority.

Section 17 (6).
FORM No. 8.

Form of Refusal of Local Authority to determine Closing Order.

To¹ , owner of the dwelling-house²

TAKE NOTICE that the³ , having considered your application to Them to determine the Closing Order made by Them in pursuance of the Housing, Town Planning, &c., Act, 1909, on the day of , 19 , in respect of the above-mentioned dwelling-house, have this day refused to determine the said Closing Order.

Dated this day of , 19 .

Signature of Clerk of Local Authority

Directions for Filling up this Form.

Insert—

¹ Name, residence or place of business, and description, where known, of Owner.

² Such a description of the dwelling-house as may be sufficient for its identification.

³ Description of the Local Authority.

Section 18 (1).
FORM No. 9.

Form of Notice of Time and Place at which the question of the Demolition of a Dwelling-house will be Considered.

To¹ , owner of the dwelling-house²

WHEREAS on the day of , 19 , in pursuance of the Housing, Town Planning, &c., Act, 1909, a Closing Order was made by the³ , in respect of the above-mentioned dwelling-house, and the said Closing Order has remained operative for a period of three months :

TAKE NOTICE, that the question of the demolition of the said dwelling-house will be considered by the said³ at the day of , 19 , at o'clock in the noon, when any owner of the said dwelling-house will be entitled to be heard.

Dated this day of
Signature of Clerk of Local Authority

Directions for Filling up this Form.

Insert—

- ¹ Name, residence or place of business, and description, where known, of Owner.
² Such a description of the dwelling-house as may be sufficient for its identification.
³ Description of the Local Authority.
† *The time must be not less than one month after the service of this notice.*

Section 18 (2).

FORM No. 10.

Form of Order for Demolition of Dwelling-house

To¹
house², owner of the dwelling-

AND WHEREAS after compliance with the requirements of subsection (1) of Section 18 of the Housing, Town Planning, &c., Act, 1909, and upon consideration of the question of the demolition of the said dwelling-house, We, the said³

We, the said _____ are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit:

Now THEREFORE, We, the said³ in pursuance of subsection (2) of Section 18 of the Housing, Town Planning, &c., Act, 1909, do order the demolition of the dwelling-house aforesaid.

Dated this _____ day of _____, 19____.

(To be sealed with the common seal of the Local Authority.)

Signature of Clerk of Local Authority

Directions for Filling up this Form.

Insert—

- ¹ Name, residence or place of business, and description, where known, of Owner.
² Such a description of the dwelling-house as may be sufficient for its identification.
³ Description of the Local Authority.

Section 18 (2).

FORM No. II.

Form of Order for Demolition of Building being or being part of a Dwelling-house.

To¹ , owner of the dwelling-
house²
WHEREAS on the day of . 19
in pursuance of the Housing, Town Planning, &c., Act, 1909, a Closing
Order was made by Us, the³
in respect of the above-mentioned dwelling-house, and the said Closing
Order has remained operative for a period of three months;

AND WHEREAS after compliance with the requirements of subsection (1) of Section 18 of the Housing, Town Planning, &c., Act, 1909, and upon consideration of the question of the demolition of the said dwelling-house, We, the said³

are of opinion that the continuance of the⁴
is⁵

NOW THEREFORE We, the said³ in pursuance of subsection (2) of Section 18 of the Housing, Town Planning, &c., Act, 1909, do order the demolition of the⁶

Dated this day of . 19 .

(To be sealed with the common seal of the Local Authority.)

Signature of Clerk of Local Authority

Directions for Filling up and adapting this Form.

Insert—

¹ Name, residence or place of business, and description, where known, of Owner.

² Such a description of the dwelling-house as may be sufficient for its identification.

³ Description of the Local Authority.

⁴ "Said dwelling-house" or "part of the said dwelling-house," as the case may be, followed in the latter case by such a description of the part as may be sufficient for its identification.

⁵ "A nuisance" or "dangerous or injurious to the health of the public," or "dangerous or injurious to the health of the inhabitants of the neighbouring dwelling-houses," as the case may be.

⁶ "Said dwelling-house" or "said part of the said dwelling-house," as the case may be.

Section 18 (3). FORM No. 12.

Form of Order Postponing Operation of Order for Demolition of Dwelling-house

To¹ , owner of the dwelling-house²

WHEREAS on the day of , 19 ,

We, the³

in pursuance of the Housing, Town Planning, &c., Act, 1909, made an Order for the demolition of the above-mentioned dwelling-house;

AND WHEREAS⁴

an owner of the said dwelling-house, has undertaken to execute forthwith the works necessary to render the said dwelling-house fit for human habitation, and We, the said³

consider that the said dwelling-house can be so rendered fit for human habitation :

NOW THEREFORE We, the said³

in pursuance of subsection (3) of Section 18 of the Housing, Town Planning, &c., Act, 1909, do hereby postpone the operation of the said Order for a period of † from the date of the said Order.

Dated this day of . 19 .

(To be sealed with the common seal of the Local Authority.)

Signature of Clerk of Local Authority

Directions for Filling up this Form.

Insert—

¹ Name, residence, or place of business, and description, where known, of Owner.

² Such a description of the dwelling-house as may be sufficient for its identification.

³ Description of the Local Authority.

⁴ Name, residence or place of business, and description, where known, of the Owner who undertakes to execute the necessary works.

† The time must be such time, not exceeding six months, as the Local Authority think sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

SECTIONS OF PREVIOUS ACTS AFFECTED BY HOUSING AND TOWN PLANNING ACT, 1909.

Pending the consolidation of the Housing Acts, the following table will be found useful as giving the principal Sections in previous Acts affected by the provisions of the Housing and Town Planning Act, either by way of repeal or modification.

The first column gives the Section of the previous Act affected; the second column gives the Section of the new Act making the alteration or dealing with the subject under the new conditions, and the third column describes briefly the subject or nature of the alteration.

Housing of Working Classes Act, 1890.

Section in previous Act Affected.	Section in this Act making Alteration.	Subject.
4	22	Official representation.
6 (1) (a)	23	Contents of Improvement schemes.
6	3 (a) (b)	Loans from Public Works Loans Commissioners.
8 (6)	24	Confirmation of provisional orders for Improvement schemes.
9	—	Costs of opposing confirmation of Improvement schemes.
12 (5)	—	Sale of Municipal Dwellings built under Part I, Act of 1890, not compulsory.
15 (2)	25	Power of modification or abandonment of or addition to scheme.
17, 18, 19	—	Local inquiries and procedure thereat.
21 (2)	29	Evidence that may be tendered in determining compensation.
Firstly		
Secondly		
Thirdly		
22	27	Extinction or modification of rights and easements.
23	2nd Schedule	Rehousing accommodation.
24 (2)	30	Application of money borrowed for Dwelling House Improvement Fund.
25 (5)	—	Period of Loans from Public Works Loans Commissioners.
27		Forms of advertisements and notices.
28		Publication of advertisements and loans.
29	49 (1)	Definition of "dwelling-house."
32	17 (1)	Inspection and closing orders.
33	—	Demolition orders.
34		Demolition orders.
35		Appeals against ditto.
36		Charging order.
37 (1)	19	Incidence of charges on property repaired under this Act—additional charges included.
38 (1)	2nd Schedule	Obstructive buildings.
38 (4) (16)	28 (1)	Compensation for obstructive buildings.
38 (7)	2nd Schedule	Removing part of obstructive buildings.

Section in previous Act Affected.	Section in this Act making Alteration.	Subject.
38 (8)	28 (2)	Power of arbitrator to apportion compensation among other buildings.
39 (4) (5) (6) (8) (9)	23 (2) 24 (2)	Enlargement of matters that may be provided for under Part II to same extent as Part I and <i>vice-versa</i> .
39 (8)	2nd Schedule	Costs and execution of Improvement schemes.
40 46 (6) (7) and Act of 1903, Sec. 14	2nd Schedule 33	Rehousing, Part II, Act of 1890. Payments by County and Borough Councils towards Part II schemes.
47 (3) 49 and Sec. 13 Act of 1903	21 15 (8)	Enlargement of time by local magistrates. Service of notices and description of owner.
51	16 (2)	£20 penalty for obstructing authorised persons entering premises for inspection.
53	50	Definition of Cottage.
54	1	Adoption unnecessary.
55	—	Ditto Scotland.
57 (1)	2 (2)	Procedure for Land Purchase.
57	53 (4)	Land Purchase Sections in Public Health Scotland Act, 1897.
60	32	Sale and application of proceeds of land acquired for Part III.
63	46	Poor Law Relief—disqualification.
65	—	Expenses in Rural Districts special or general.
66	—	Borrowing as for general expenses.
67 (2) (4)	4 (1)	Loans to private individuals and societies.
74 (1) (b)	7 (1)	Settled land.
75	14	Contracts by Landlords as to houses being reasonably fit for habitation.
77	—	Power of entry, for survey and valuation.
83	—	Rates of interest—Public Works Loans.
85	63	Local Government Board inquiries applied to the Act.
85 (1)	53 (9)	Local Inquiries—Salary of Arbitrator.
16, 85	26	Local Inquiries for purposes of Part I or otherwise.
88	2nd Schedule	Interested Councillors may not vote on Part III schemes.
89	2nd Schedule	Obstructing authorised persons when inspecting premises.
92	Repealed by Schedule 6	Definitions and Part III.
94 (3) 96 (1) (2) (7) (8) (14)	“ “	Application of Housing Acts to Scotland. Modifications of Scotch Housing Enactments.
97 (3)	“	Enlargement of Time, Scotland.
Schedule 1	“	Definitions—Local Authority, &c., Scotland
Schedule 3	“	Enactments applied for Closing Orders.
Schedule 4	“	Forms for Closing Orders.
Schedule 5	“	Form of Charging Order.

Housing Act (Amendment) Scotland, 1890.

Section in previous Act Affected.	Section in this Act making Alteration.	Subject.
3	Repealed by Schedule 6	Expenses and borrowing.

Housing Act, 1900.

2	Repealed by Schedule 6	Adoption of Part III by Rural District Councils.
5	53 (1)	Local Board for Scotland to be substituted for County Council in this Act and Part III and Section 5 of 1900 Act.
6	Repealed by Schedule 6	Parish Council and Default of Rural District Council.
7	"	Compensation under Part III of Act of 1890.
8	"	Countries to which Act of 1890 applies.

Housing Act, 1903.

(1) Period of Loan	53 (10)	Not to apply to Scotland.
(4) Local Government Board enforcement of scheme	—	" " "
(3) Rehousing obligations	—	Applied with modifications to Scotland.
(12) Contracting out of Section 75	—	" " " "
5 (2) (a) (c)	24 (1)	Confirmation of Order by Parliament.
6	—	Power to modify schemes.
8	—	Notice to abate nuisance before Closing Order.
10	—	Recovery of possession from tenant after Closing Order.
13	15 (8)	Proceedings against owner—Service of notices and description of owner with substitution of "landlord" for owner.
14	33	Payments by County Borough Councils towards cost of Part II schemes.
16	—	Temporary provisions now expired.
Schedule to Act of 1903	3rd Schedule	Rehousing in connection with Local Acts or improvement schemes.
17	—	Countries to which Act of 1903 applies.

Public Health Act, 1875.

Section in previous Act Affected.	Section in this Act making Alteration.	Subject.
90	16 (1)	Making byelaws—houses let in lodgings.
176	2 (2)	Procedure for land purchase.
234 (2) (3)	65 (3)	Limitation on borrowing removed.
279	38	Formation of United District.

Public Health (Scotland) Act.

(7) (8) (9) (10) Definition Section 83 141	53 (9) 53 (7) 53 (3) 53 (6)	Local Inquiries—Scotland. Definition of Local Authority. Order under Section 279 of P.H.A. 1875. Manner of borrowing for providing permanent hospitals. May borrow money and repay money up to 80 years. Procedure if Local Authority neglects duty. Purchase of Land.
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Local Government Act, 1888.

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	10 (4) 12	Default of District Council, Order to County Council to do work and transfer powers.

Mortmain and Charitable Uses Act, 1888.

	8	Enrolment of assurance of donations to Local Authorities.
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Public Health (London) Act, 1891.

	16 (1)	Byelaws.
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Regulation of Railways Act, 1868.

	62	Arbitration by the Board of Trade.
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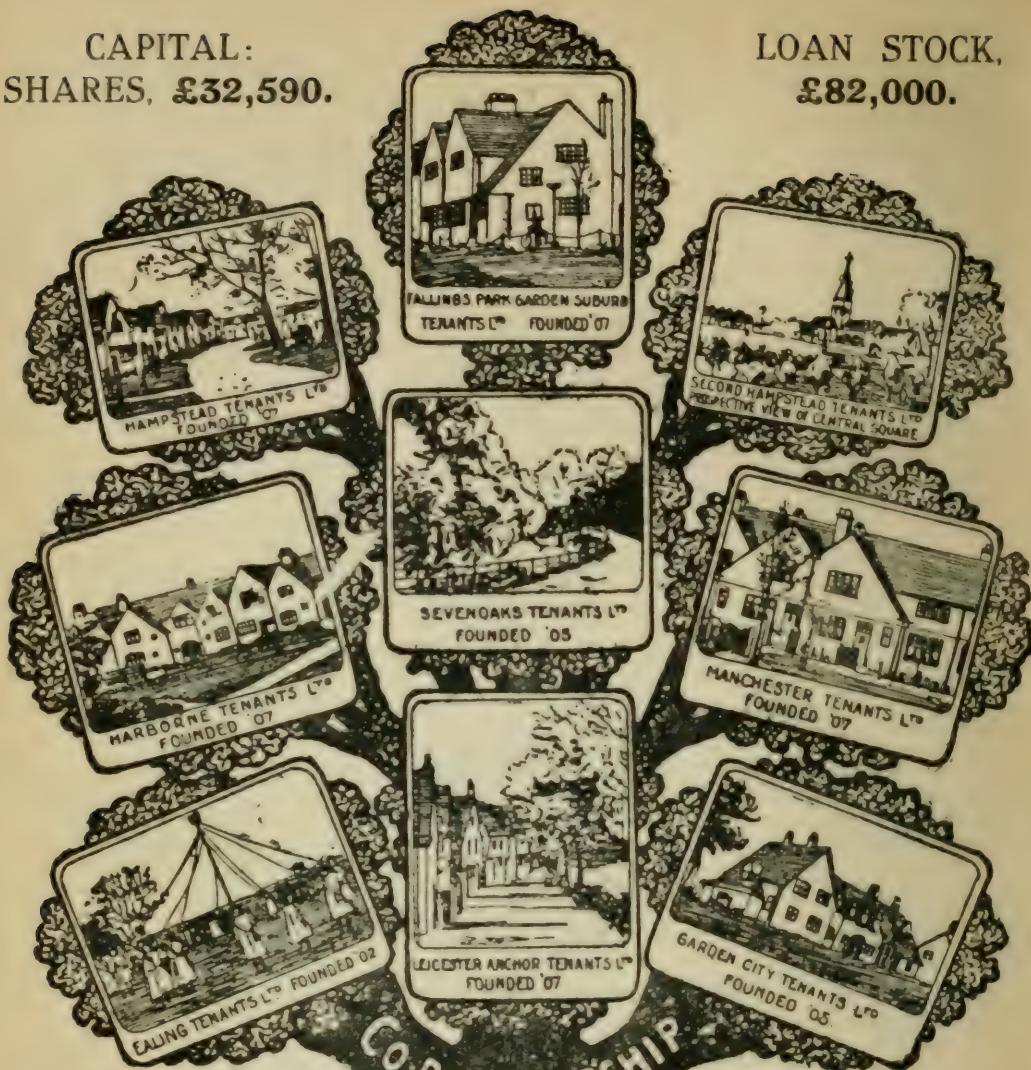
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